

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
November 16, 2015 6:00 PM**

In accordance with the Oklahoma Open Meeting Act, Title 25 O.S. Section 311, the agenda for this meeting was posted on the bulletin board in the lobby of City Hall, 116 W. Needles Ave., Bixby, Oklahoma on the date and time as posted thereon, a copy of which is on file and available for public inspection, which date and time was at least twenty-four (24) hours prior to the meeting, excluding Saturdays and Sundays and holidays legally declared by the State of Oklahoma.

**STAFF PRESENT:**

Erik Enyart, AICP, City Planner  
Patrick Boulden, Esq., City Attorney

**OTHERS ATTENDING:**

See attached Sign-In Sheet

**CALL TO ORDER:**

Chair Lance Whisman called the meeting to order at 6:15 PM.<sup>1</sup>

**ROLL CALL:**

Members Present: Larry Whiteley, Lance Whisman, Steve Sutton, Jerod Hicks, and Thomas Holland.

Members Absent: None.

**1. Approval of Minutes for the October 19, 2015 Regular Meeting**

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Chair Lance Whisman introduced the Consent Agenda item and asked to entertain a Motion. Thomas Holland made a MOTION to APPROVE the Minutes of the October 19, 2015 Regular Meeting as presented by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

**ROLL CALL:**

|                |  |
|----------------|--|
| AYE:           | Holland, Whiteley, Whisman, Sutton, and Hicks. |
| NAY:           | None.  |
| ABSTAIN:       | None.  |
| MOTION PASSED: | 5:0:0  |

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<sup>1</sup> The meeting began late due to the 5:00 PM Special-Called meeting of the Planning Commission ending after 6:00 PM, and the logistics of Planning Commissioners and Staff relocating from the Dawes Building to City Hall.

## PUBLIC HEARINGS

2. **PUD 92 – “Stone River Place” – Marc P. Bullock.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 1.172 acres in part of the NE/4 NW/4 of Section 02, T17N, R13E.  
Property Located: 6900-block of E. 121<sup>st</sup> St. S.
3. **BZ-387 – Marc P. Bullock.** Public Hearing, discussion, and consideration of a rezoning request from AG Agricultural District to OL Office Low Intensity District for approximately 1.172 acres in part of the NE/4 NW/4 of Section 02, T17N, R13E.  
Property Located: 6900-block of E. 121<sup>st</sup> St. S.

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Chair Lance Whisman introduced the two (2) related items and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Tuesday, November 10, 2015  
**RE:** Report and Recommendations for:  
PUD 92 – “Stone River Place” – Marc Bullock &  
BZ-387 – Marc Bullock

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LOCATION: – 6900-block of E. 121<sup>st</sup> St. S.  
– Part of the NE/4 NW/4 of Section 02, T17N, R13E  
SIZE: 1.172 acres, more or less  
EXISTING ZONING: AG Agricultural District  
EXISTING USE: Vacant/wooded  
REQUESTED ZONING: OL Office Low Intensity District & PUD 92  
SUPPLEMENTAL ZONING: None  
SURROUNDING ZONING AND LAND USE:

North: (across 121<sup>st</sup> St. S.) AG & RS-2/PUD 82; The Bixby North 5<sup>th</sup> and 6<sup>th</sup> Grade Center on a 10-acre campus, the Bixby North Elementary school on a 23-acre campus, and the Life Church 4.4-acre facility between the former two, all zoned AG; to the northwest is the “Somerset” housing addition under development zoned RS-2/PUD 82.

South: AG & RS-3/PUD 80; Land zoned AG and owned by Tulsa County for the “wetland mitigation” area related to the development of the Fry Creek channel system around the year 2000; to the southeast is an AG-zoned, privately-owned “sliver tract” roughly corresponding to the drainage channel; to the southwest are residential lots and homes under construction in the Wood Hollow Estates housing addition zoned RS-3/PUD 80.

East: AG & CG/PUD 76; A “handle,” roughly corresponding to the concrete-bottomed drainage channel, of the “flag lot” tract owned by Tulsa County for the “wetland mitigation” area, and farther east is the “hardwood mitigation” area owned by the City of Bixby, both related to the development of the Fry Creek channel system around the year 2000. Between these two (2) “mitigation” tracts are two (2) smaller tracts: a 2-acre “taxed Tribal Land” tract, which contained the former Three Oaks Smoke Shop at 7060 E. 121<sup>st</sup> St. S. until it was demolished in the past couple years, and to the southeast is a privately-owned “sliver tract” roughly corresponding to the drainage channel. Farther east is the Fry Creek Ditch # 2 right-of-way with the Scenic Village Park development zoned CG/PUD 76 beyond that.

West: RS-2/CS/PUD 53 & CS/OL/PUD 53-A; A 2-story office building at 6810 E. 121<sup>st</sup> St. S. and vacant commercial lots along 121<sup>st</sup> St. S. all zoned CS, and vacant residential lots and new houses zoned RS-2, all in Woodmere in PUD 53. Farther west, at the southeast corner of the intersection of 121<sup>st</sup> St. S. and Sheridan Rd. are vacant lots zoned CS and OL with PUD 53-A.

COMPREHENSIVE PLAN: *Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land*  
PREVIOUS/RELATED CASES:

BL-367 – Marc Bullock for Tulsa County – Request for Lot-Split approval to separate, for purchase, the subject property from a formerly 13.29-acre tract owned by Tulsa County – Applicant temporarily withdrew the application before the 05/18/2009 PC meeting “in order to complete administrative processing on this tract both by Tulsa County and ourselves.”

BL-371 – Marc Bullock for Tulsa County – Request for Lot-Split approval to separate, for purchase, the subject property from a formerly 13.29-acre tract owned by Tulsa County – PC Conditionally Approved 10/19/2009 (see Background Information section of this report).

RELEVANT AREA CASE HISTORY: (not a complete list)

BZ-196 – Donna Saunders for Nuel/Noel Burns – Request for rezoning from AG to CG for an approximately 1.6-acre agricultural tract to the east of subject property at the 7700-block of E. 121<sup>st</sup> St. S. (then possibly addressed 7600 E. 121<sup>st</sup> St. S.) – PC Recommended Denial 01/21/1991 per notes on the application form. Lack of ordinance and other notes in the case file indicate it was either withdrawn, not appealed, or not finally approved by the City Council.

BBOA-329 – Jon E. Brightmire – Request for Special Exception for a 100’ tall monopole communications tower on a 4.4-acre tract (now the Life.Church) to the northeast of subject property at 7071 E. 121<sup>st</sup> St. S. – BOA Approved 05/05/1997.

BBOA-358 – Joe Gill for Bixby Public Schools – Request for Special Exception to allow a Use Unit 5 elementary school (Bixby North Elementary) on a 23-acre tract to the northeast of subject property – BOA Approved 05/01/2000.

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 “golf teaching and practice facility” on the large 140-acre acreage tracts previously owned by Knopp to the east of subject property – BOA Conditionally Approved 04/02/2001 (not since built).

BZ-279 – Charles Norman/Martha Plummer Roberts et al. – Request for rezoning from AG to CS, OM, RM-1, and RS-2 for 73 acres, more or less, located across 121<sup>st</sup> St. S. to the northeast of the subject property, which 73 acres became Bixby Centennial Plaza and Fox Hollow and an unplatted 11-acre tract later approved for PUD 51 – PC Recommended Approval as amended for CS, OM, OL, RS-3, and RS-2 on 11/19/2001 and City Council Approved as amended 12/10/2001 (Ord. # 842).

BBOA-402 – Tulsa Engineering & Planning, Inc. for Fox Hollow, LLC – Request for Variance to reduce front yard setbacks to 25’ for certain lots located in the RS-2-zoned portion of Fox Hollow located across 121<sup>st</sup> St. S. to the northeast of subject property – BOA Approved 05/05/2003.

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on the large 140-acre acreage tracts previously owned by Knopp to the east of subject property. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

BL-340 – JR Donelson for Charles Roger Knopp Revocable Trust – Request for Lot-Split approval to separate a 41.3384-acre tract from the southern end of the large 140-acre acreage tracts previously owned by Knopp to the east of subject property – It appears it was Administratively Approved by the City Planner on 07/20/2006, but the Assessor’s parcel records do not reflect that the land was ever since divided as approved.

BZ-317 – Sack & Associates, Inc. for Martha Roberts et al. – Request for rezoning from OL to CS for part of an unplatted 11-acre tract located across 121<sup>st</sup> St. S. to the northeast of subject property – PC Action 08/21/2006: Motion to Approve failed for lack of a Second, and Chair declared the item “denied by virtue of there being no second to the motion.” See PUD 51.

PUD 51 – [No Name] – [Sack & Associates, Inc.] – Request to approve PUD 51 and a partial rezoning from OL to CS for an unplatted 11-acre tract located across 121<sup>st</sup> St. S. to the northeast of subject property – No application submitted, but prepared by Sack & Associates, Inc. in support of the CS and OL zoning proposed per BZ-317 – PC recommended Approval 10/02/2006 and City Council Approved 10/23/2006 (Ord. # 951/951A).

PUD 52 – Cypress Springs – Haynes Reynolds – Request to rezone from AG to RS-2 and to approve PUD 52 for a single-family residential development on an 8-acre tract located to the northwest of subject property at 11909 S. Sheridan Rd. – PC recommended Approval 01/16/2007 and the City Council took no action for the ordinance Second Reading on 02/12/2007, per the approved Minutes of that meeting. However, it appears that Ordinance # 960 was inadvertently signed and recorded with

the Tulsa County Clerk. This was reported to the City Council 02/22/2010 as requested by the PC 02/16/2010. No action since taken. See PUD 84/BZ-373.

PUD 53 – WoodMere – Marc & Donna Bullock – Request to rezone from AG to CS and RS-2 and to approve PUD 53 for a commercial/office and single-family residential development for all of the N/2 NW/4 NW/4 of this Section (later platted as WoodMere) abutting subject property to the west – PC recommended Conditional Approval 01/16/2007 and the City Council Conditionally Approved 02/12/2007 (Ord. # 961).

Preliminary Plat of WoodMere (PUD 53) – Request for Preliminary Plat approval for WoodMere abutting subject property to the west – PC recommended Approval 02/20/2007 and City Council Approved 02/26/2007.

Final Plat of WoodMere (PUD 53) – Request for Final Plat approval for WoodMere abutting subject property to the west – PC recommended Approval 04/16/2007 and City Council Conditionally Approved 12/10/2007 (Plat # 6176 recorded 01/07/2008).

BBOA-466 – Travis Reynolds for LifeChurch – Request for Special Exception for a Use Unit 5 church on a 4.4-acre tract (now the LifeChurch) across 121<sup>st</sup> St. S. to the northeast of subject property at 7071 E. 121<sup>st</sup> St. S. – BOA Conditionally Approved 12/03/2007.

V-23 – Sack & Associates, Inc. – Request to a request to Close/Vacate the four (4) foot Fence Easement and Close/Vacate part of the 15 foot U/E along the south side of Block 1, WoodMere, abutting subject property to the west, to reduce it to 11' in width – City Council approved an instrument 04/28/2008 (no ordinance).

BBOA-491 – Mark Allen for LifeChurch – Request for Variance from sign standards of Zoning Code Sections 11-7A-3.B.2 and 11-9-21 for a Use Unit 5 church in the AG Agricultural District on a 4.4-acre tract (now the LifeChurch) across 121<sup>st</sup> St. S. to the northeast of subject property at 7071 E. 121<sup>st</sup> St. S. – BOA Conditionally Approved 10/06/2008.

BBOA-492 – James E. Graber for Bixby Public Schools – Request for Special Exception to allow a Use Unit 5 elementary school (Bixby North 5<sup>th</sup> and 6<sup>th</sup> Grade Center) on a 10-acre tract across 121<sup>st</sup> St. S. to the north of subject property – BOA Conditionally Approved 10/06/2008.

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on part of Knopp family property of approximately 140 acres to the east of subject property – PC Continued the application on 12/21/2009 at the Applicant's request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting "for more research and information," based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

PUD 53 "WoodMere" Major Amendment # 1 (PUD 53-A) & BZ-353 – Sack & Associates, Inc. for New Woodmere Properties, LLC – Request for rezoning of Lot 1, Block 2, WoodMere from RS-2 to OL and approval of PUD 53 Major Amendment # 1 ("PUD 53-A") for Lots 1, 2, & 3, Block 1, and Lot 1, Block 2 of WoodMere to the west of subject property – PC recommended Conditional Approval 04/18/2011 and City Council Conditionally Approved 05/09/2011 (Ord. # 2056).

V-37 – Sack & Associates, Inc. – Request to a request to Close / Vacate part of the plat of WoodMere, concerning Lots 1, 2, & 3, Block 1, and Lot 1, Block 2 thereof, to the west of subject property, pending the recording of the plat of "WoodMere Square" – PC recommended Approval 04/18/2011 and City Council Approved 05/09/2011.

Preliminary Plat & Final Plat of WoodMere Square (PUD 53-A) – Request for Preliminary Plat and Final Plat approval for “WoodMere Square” including Lots 1, 2, & 3, Block 1, and Lot 1, Block 2 of WoodMere to the west of subject property – PC recommended Conditional Approval 04/18/2011 and City Council Conditionally Approved 04/25/2011.

BZ-355 – Town & Country Real Estate Co. – Request for rezoning from AG to CS for an approximately 1.6-acre agricultural tract to the east of subject property at the 7700-block of E. 121<sup>st</sup> St. S. – PC Recommended Approval 03/19/2012 and City Council Approved 03/26/2012 (Ord. # 2077).

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 92 acres acquired from the Knopp family acreage of 140 acres to the east of subject property – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting (Ord. # 2116).

Preliminary Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and a Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2 for 92 acres acquired from the Knopp family acreage of 140 acres to the east of subject property – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

Final Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres of the 92-acre PUD 76 to the east of subject property – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

PUD 76 “Scenic Village Park” Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for former 92-acre development tract acquired from Knopp to the east of subject property – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading 10/14/2013. The Ordinance Second Reading and Approval and Emergency Clause attachment items, having been on various City Council agendas in various forms since 10/14/2013, the City Council approved on 11/12/2013 (Ord. # 2123).

PUD 76 “Scenic Village Park” Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for southerly 70 acres of PUD 76 to the east of subject property – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant’s letter dated 10/18/2013.

PUD 80 “Wood Hollow Estates” & BZ-367 – Sack & Associates, Inc. – Request for rezoning to RS-3 and PUD approval for 20 acres to the southwest of subject property at 12307 S. Sheridan Rd. – PC recommended Conditional Approval 10/21/2013 and City Council Approved final version of PUD incorporating Staff and PC recommendations 10/28/2013 (Ord. # 2124).

Preliminary Plat of “Wood Hollow Estates” – Sack & Associates, Inc. – Request for approval of a Preliminary Plat and certain Modifications/Waivers for the Wood Hollow Estates housing addition on 20 acres to the southwest of subject property at 12307 S. Sheridan Rd. – PC recommended Conditional Approval 10/21/2013 and City Council Conditionally Approved 10/28/2013.

BSP 2013-06 – “Covenant Place of Tulsa” – Tanner Consulting, LLC (PUD 76) – Request for approval of a PUD Detailed Site Plan for the Covenant Place of Tulsa assisted living community on Lot 2, Block 1, Scenic Village Park to the east of subject property – PC Conditionally Approved at a Special/Called Meeting 01/23/2014.

Preliminary Plat of “Quail Creek of Bixby” – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek of Bixby” for part of the PUD 76 acreage to the southeast of subject property – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

Preliminary Plat of “Quail Creek Villas of Bixby” – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek Villas of Bixby” for part of the PUD 76 acreage to the southeast of subject property – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

Preliminary Plat of “Quail Creek Office Park” – Tanner Consulting, LLC (PUD 76) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek Office Park” for approximately 5.976 acres to the southeast of subject property – PC recommended Conditional Approval at a Special/Called Meeting 01/23/2014 and City Council Conditionally Approved 01/27/2014.

PUD 76 "Scenic Village Park" Minor Amendment # 1 – Tanner Consulting, LLC – Request for approval of Minor Amendment # 1 to PUD 76, which amendment proposed making certain changes to development standards pertaining to signage and parking, and making certain other amendments in support of the Covenant Place of Tulsa assisted living community on Lot 2, Block 1, Scenic Village Park to the east of subject property – PC Conditionally Approved 02/18/2014.

PUD 82 "Somerset" & BZ-370 – JR Donelson for Kowen Properties, LLC – Request to rezone from AG to RS-2 and to approve PUD 82 for a single-family residential development, "Somerset," for approximately 18 acres to the northwest of subject property at 6905 E. 121<sup>st</sup> St. S. & 11803 and 11809 S. Sheridan Rd. – PC recommended Conditional Approval 02/18/2014, with the exception of abutting access provision recommendations from Staff. City Council Conditionally Approved the applications with Staff's recommendations on abutting access provision, "subject to a[n] application for waiver of subdivision regulations," on 02/24/2014 and Tabled ordinance approval items. Upon receipt of final version of PUD as Conditionally Approved the previous month, City Council Approved ordinance items approving both applications 03/24/2014 (Ord. # 2128)

Modification/Waiver (PUD 82) – JR Donelson, Inc. for Kowen Properties, LLC – Request for Modification/Waiver of the "stub-out street" requirement of Subdivision Regulations Section 12-3-2.C pursuant to Subdivision Regulations Section 12-3-5.B for a single-family residential development, "Somerset," for approximately 18 acres to the northwest of subject property at 6905 E. 121<sup>st</sup> St. S. & 11803 and 11809 S. Sheridan Rd. – PC recommended (03/17/2014) Partial Approval to allow the proposed 20' Emergency Access Drive Easement to the 8-acre development property abutting same to the south/west, with the location to be determined by the involved private parties, and City Council Partially Approved as recommended 03/24/2014.

Final Plat of "Wood Hollow Estates" – Sack & Associates, Inc. – Request for approval of a Final Plat and certain Modifications/Waivers for the Wood Hollow Estates housing addition on 20 acres to the southwest of subject property at 12307 S. Sheridan Rd. – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved 03/24/2014. One of the Conditions of Approval was consistent with the Staff's recommendation to restore the 17.5' Perimeter U/E or otherwise request, justify, and receive approval of a Modification/Waiver and a PUD Minor Amendment for same. Pursuant to these additional approvals, City Council Conditionally Approved a Revised Final Plat 09/22/2014 (Plat # 6563 recorded 09/30/2014).

Modification/Waiver – "Wood Hollow Estates" – Sack & Associates, Inc. (PUD 80) – Request for Modification/Waiver to reduce and/or remove certain portions of the 17.5' Perimeter Utility Easement as required by Subdivision Regulations Section 12-3-3.A pursuant to Subdivision Regulations Section 12-3-5.B for the Wood Hollow Estates housing addition on 20 acres to the southwest of subject property at 12307 S. Sheridan Rd. – PC recommended Partial Approval 04/21/2014 and City Council Partially Approved 04/28/2014.

PUD 80 "Wood Hollow Estates" – Minor Amendment # 1 – Request for Minor Amendment # 1 to PUD 80, which amendment proposed making certain subdivision design modifications pertaining to Utility Easements and making certain other amendments for the Wood Hollow Estates housing addition on 20 acres to the southwest of subject property at 12307 S. Sheridan Rd. – PC Conditionally Approved 04/21/2014, subject to City Council approval, and City Council Conditionally Approved 04/28/2014.

Preliminary Plat of "Somerset" – JR Donelson for Kowen Properties, LLC – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a single-family residential development, "Somerset," for approximately 18 acres to the northwest of subject property at 6905 E. 121<sup>st</sup> St. S. & 11803 and 11809 S. Sheridan Rd. – PC recommended Conditional Approval 05/19/2014 and the City Council Conditionally Approved at a Special Meeting 06/02/2014.

PUD 84 "South Sheridan Cottages" & BZ-373 – Haynes Reynolds for 118th & Sheridan, LLC – Request to rezone from AG to RS-2 and to approve PUD 84 for a single-family residential development, "South Sheridan Cottages," for approximately 8 acres to the northwest of subject property at 11909 and/or 11919 S. Sheridan Rd. – Withdrawn by Applicant 07/21/2014.

Accept General Utility Easement for Quail Creek Developments – Request for acceptance of a separate instrument 17.5'-wide General U/E along the easterly and southerly perimeters of the proposed "Quail Creek Office Park" development site (PUD 76 Development Area F; to the east of subject property) to allow for AEP-PSO electric service provision to the "Quail Creek" developments – City Council accepted 09/22/2014.

PUD 53-B – WoodMere – Major Amendment # 2 – Sack & Associates, Inc. – Request for approval of PUD 53 Major Amendment # 2 (“PUD 53-B”) for Lot 11, Block 1 and Lot 1, Block 4, WoodMere abutting subject property to the west – Withdrawn by Applicant 12/15/2014.

Amendment of Plat of Scenic Village Park – Request for approval of an Amendment of the plat of Scenic Village Park as pertains to Utility Easement dedication provisions affecting Lot 1, Block 3 thereof located to the east of subject property – PC unanimously Denied 01/20/2015.

Final Plat of “Quail Creek of Bixby” – Tanner Consulting, LLC – Request for approval of a Final Plat for “Quail Creek of Bixby” to the southeast of subject property – PC recommended Conditional Approval 01/20/2015 and City Council Conditionally Approved 01/26/2015 (Plat # 6613 recorded 06/03/2015).

Temporary PUD Waiver – JR Donelson for Easton & Ramsey – Request for temporary Waiver of the PUD requirement per Zoning Code Section 11-5-2 for the Ramsey property of 14 acres and the Easton property of 19 acres to the east of subject property (cf. BZ-379 & BZ-380) – City Council approved 02/23/2015, provided that the requirement shall be restored prior to the development of the property and that the temporarily suspended requirement, and the requirement’s design in furtherance of the City Council’s express policy preferring retail uses, shall be disclosed to prospective buyers.

BZ-379 – JR Donelson for Bill J. Ramsey Trust – Request for rezoning from AG and CG to CS for commercial use for 14 acres to the east of subject property – PC recommended Approval 04/20/2015 and City Council Approved 05/11/2015 (Ord. # 2155).

BZ-380 – JR Donelson for John C. Easton Trust & Easton Family, LP – Request for rezoning from CS, OL, and RS-3 to CS for commercial use for 19 acres to the southeast of subject property at 12300 S. Memorial Dr. – PC recommended Approval 04/20/2015 and City Council Approved 05/11/2015 (Ord. # 2154).

PUD 80 “Wood Hollow Estates” – Minor Amendment # 2 – Request for Minor Amendment # 1 to PUD 80, which amendment proposed amending setbacks pertaining to garages and making certain other amendments for the Wood Hollow Estates housing addition on 20 acres to the southwest of subject property at 12307 S. Sheridan Rd. – PC Conditionally Approved 05/18/2015.

Final Plat of “Somerset” – JR Donelson for Kowen Properties, LLC – Request for approval of a Final Plat for a single-family residential development, “Somerset,” for approximately 18 acres to the northwest of subject property at 6905 E. 121<sup>st</sup> St. S. & 11803 and 11809 S. Sheridan Rd. – Pending PC consideration 12/21/2015.

#### **BACKGROUND INFORMATION:**

The Applicant acquired the subject property from Tulsa County by Quit-Claim Deed dated May 26, 2009 and recorded with the Tulsa County Clerk on August 05, 2009. This deed separated the subject property from a formerly 13.29-acre tract, and the balance continues to be owned by Tulsa County and is used as a “wetland mitigation” facility related to the construction of the Fry Creek Ditch channel system around the year 2000.

The subject property was evidently declared surplus property by Tulsa County to allow for its sale. The subject property, unlike the balance of the land still owned by Tulsa County, was evidently not part of the wetland mitigation facility and is vacant and wooded.

On October 19, 2009, the Planning Commission Approved Lot-Split application BL-371 Conditioned upon:

- (1) The Applicant providing legal access and an improved street with at least 50’ of frontage to the subject property, and
- (2) The subject property is approved for OL zoning (including a PUD as may be required) to allow the lot size and 50’ frontage provided by future street to allow the lot to conform to the Zoning Code, and
- (3) No Lot-Split approval stamps shall be placed on any deed until and unless the first two (2) Conditions are satisfied.

The PUD provides for the reduction and removal of the minimum frontage requirements of the OL district. The language for this purpose may need to be clarified as per other recommendations in this report.

#### **ANALYSIS:**

Subject Property Conditions. The subject property of approximately 1.172 acres is zoned AG and is vacant and wooded. Abutting to the east is a concrete-bottomed drainage channel which drains

southeasterly to Fry Creek Ditch # 2. Within and paralleling west of the drainage channel is an overgrown drive extending to the Tulsa County-owned “wetland mitigation” area abutting the subject property to the south. This maintenance drive does not connect to 121<sup>st</sup> St. S. due to the bridge outlet and flume on the south side of 121<sup>st</sup> St. S. By agreement with Tulsa County, the bridge has recently been extended and a dirt driveway connection has been constructed over the drainage ditch. 121<sup>st</sup> St. S. between Sheridan Rd. and Memorial Dr. is a County road.

The subject property is relatively flat and appears to generally drain to the east to the drainage channel and/or south to the “wetland mitigation” area.

The subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.), or otherwise will be served by line extensions as required, and has immediate access to the stormwater drainage system abutting to the east. Fees in lieu of providing onsite stormwater detention may apply. Plans for utilities are briefly described in the PUD Text and represented on Exhibits H and I, and are discussed further in the City Engineer’s review memo.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Low Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the requested OL district May Be Found In Accordance with both the Low Intensity designation of the Comprehensive Plan Land Use Map.

Page 7, item numbered 1 of the Comprehensive Plan states:

“The Bixby Comprehensive Plan map depicts desired land uses, intensities and use and development patterns to the year 2020. Intensities depicted for undeveloped lands are intended to develop as shown. Land uses depicted for undeveloped lands are recommendations which may vary in accordance with the Intensities depicted for those lands.” (emphasis added)

This language is also found on page 30, item numbered 5.

This text introduces a test to the interpretation of the Comprehensive Plan Land Use Map, in addition to the Matrix: (1) If a parcel is within an area designated with a specific “Land Use” (other than “Vacant, Agricultural, Rural Residences, and Open Land,” which cannot be interpreted as permanently-planned land uses), and (2) if said parcel is undeveloped, the “Land Use” designation on the Map should be interpreted to “recommend” how the parcel should be zoned and developed. Therefore, the “Land Use” designation of the Comprehensive Plan Land Use Map should also inform/provide direction on how rezoning applications should be considered by the Planning Commission and City Council.

The Matrix does not indicate whether or not the requested OL zoning district would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

Per the Matrix, PUDs (as a zoning district) May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Provided it is approved with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below, Staff believes that PUD 92 should be found In Accordance with the Comprehensive Plan as a zoning district.

Due to all of the factors listed and described above, Staff believes that the proposed OL zoning and office development proposed per PUD 92 should be found In Accordance with the Comprehensive Plan, provided they are approved together and with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below.

General. The PUD proposes a small, office park development. The Exhibit B Conceptual Site Plan indicates a conventional, suburban-style design with up to three (3) development lots. PUD Text Section VIII “Parcelization” provides that provisions for accounting of share / allocation of allowable Floor Area / Ratio (FAR) between the three (3) potential lots will be determined with the future plat. The buildings are described as being of “residential-style construction with a minimum of 70% brick/stone/stucco exterior, architectural element details, appropriate exterior lighting, and professionally landscaped.”

Because the review methodology is similar, and both applications are essentially rezoning-related and propose to prepare the subject property for the same office park development, this review will, for the most part, include both applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.



*In the interest of efficiency and avoiding redundancy, regarding PUD particulars for needed corrections and site development considerations, please refer to the recommended Conditions of Approval as listed at the end of this report.*

*The Fire Marshal's, City Engineer's, and City Attorney's review correspondence are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.*

*The Technical Advisory Committee (TAC) discussed PUD 92 at its regular meeting held November 04, 2015. Minutes of that meeting are attached to this report.*

*Access and Internal Circulation. The subject property has a small amount of frontage on 121<sup>st</sup> St. S. and one (1) driveway connection thereto is under construction.*

*Abutting to the east is a concrete-bottomed drainage channel which drains southeasterly to Fry Creek Ditch # 2. Within and paralleling west of the drainage channel is an overgrown drive extending to the Tulsa County-owned wetland mitigation area abutting the subject property to the south. This maintenance drive does not connect to 121<sup>st</sup> St. S. due to the bridge outlet and flume on the south side of 121<sup>st</sup> St. S. Recently, the bridge has been extended and a dirt driveway connection has been constructed over the drainage ditch. This driveway connection to 121<sup>st</sup> St. S. will be improved as the primary access to the subject property.*

*Per GIS and aerial data, the wetland mitigation area tract is encircled by a maintenance access drive. The Exhibit E Exiting Topography appears to be a survey drawing and indicates the drive is a "gravel road." The connected drive along the east side of the subject property and around the wetland mitigation area tract continues southeasterly and connects to the Fry Creek Ditch # 2 maintenance drive / trail via a bridge over the concrete-bottomed drainage ditch. The continued "gravel road" and maintenance drive, which ultimately connects to both 121<sup>st</sup> St. S. and 131<sup>st</sup> St. S., was previously discussed as providing the secondary means of ingress/egress for the subject property development, but the Fire Marshal has observed that its condition is not adequate to meet Fire Code requirements for a fire access road.*

*The PUD Text suggests the subject property has (or will have) 20' of frontage on 121<sup>st</sup> St. S. How this is calculated is not clear, as the subject property comes to a point at the north end. Upon discussing the matter in the TAC meeting held November 04, 2015 and reviewing a previous conceptual site plan drawing received 10/16/2014, it appears this 20' is achieved by dedicating the projected 121<sup>st</sup> St. S. southerly right-of-way line through (1) the subject property and (2) recognizing, as right-of-way, the area north of the same line projected through the 15'-wide "handle" of the Tulsa County "flag-lot" containing the wetland mitigation area abutting to the south. However, the 10/16/2014 drawing indicates the 20' dimension is paving width between curb faces; curbs occupy space, typically 6", suggesting the street frontage may actually be approximately 21', or otherwise the claimed 20' frontage would only allow approximately 19' between curb faces. This should be clarified.*

*Per the Exhibit B Conceptual Site Plan, the one (1) new driveway connection to 121<sup>st</sup> St. S. will extend roughly due south toward the south propertyline, and a "hammerhead"-design turnaround, for Fire Code and fire access purposes, will extend farther south into the Tulsa County's "wetland mitigation" area tract corresponding to the north-south maintenance drive encircling same. The "hammerhead" will also extend within and along the south line of the subject property.*

*The site plan indicates the existing, overgrown maintenance access drive along the east side of the property will be removed in favor of office buildings.*

*Surrounding Zoning and Land Use. Surrounding zoning is a mixture of AG, RS-2/CS/PUD 53, CS/OL/PUD 53-A, RS-2/PUD 82, RS-3/PUD 80, and CG/PUD 76. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.*

*Abutting the subject property to the west is a 2-story office building at 6810 E. 121<sup>st</sup> St. S., with vacant commercial lots beyond this extending along the south side of 121<sup>st</sup> St. S. to Sheridan Rd. All these lots are zoned CS with PUD 53 in Block 1 of WoodMere. South of the office building are vacant residential lots and new houses all zoned RS-2 with PUD 53 in WoodMere. At the southeast corner of the intersection of 121<sup>st</sup> St. S. and Sheridan Rd. are vacant lots zoned CS and OL with PUD 53-A.*

*Across 121<sup>st</sup> St. S. to the north is the Bixby North 5<sup>th</sup> and 6<sup>th</sup> Grade Center on a 10-acre campus, the Bixby North Elementary school on a 23-acre campus, and the Life.Church 4.4-acre facility between the former two, all zoned AG. To the northwest is the "Somerset" housing addition under development zoned RS-2/PUD 82.*

*Abutting the subject property to the east is a “handle,” roughly corresponding to the concrete-bottomed drainage channel, of the “flag lot” tract owned by Tulsa County for the “wetland mitigation” area, and farther east is the “hardwood mitigation” area owned by the City of Bixby, both related to the development of the Fry Creek channel system around the year 2000, and both zoned AG. Between these two (2) “mitigation” tracts are two (2) smaller tracts: a 2-acre “taxed Tribal Land” tract, which contained the former Three Oaks Smoke Shop at 7060 E. 121<sup>st</sup> St. S. until it was demolished in the past couple years, and to the southeast is a privately-owned “sliver tract” roughly corresponding to the drainage channel, both zoned AG. Farther east is the Fry Creek Ditch # 2 right-of-way zoned AG, with the Scenic Village Park development zoned CG/PUD 76 beyond that.*

*Abutting the subject property to the south is land zoned AG and owned by Tulsa County for the “wetland mitigation” area related to the development of the Fry Creek channel system around the year 2000. To the southeast is an AG-zoned, privately-owned “sliver tract” roughly corresponding to the drainage channel, and to the southwest are residential lots and homes under construction in the Wood Hollow Estates housing addition zoned RS-3/PUD 80.*

*Circa 2005, 121<sup>st</sup> St. S. between Sheridan Rd. and Memorial Dr. was widened to a 4-lane major street with a 5<sup>th</sup>, dedicated turning lane in the center, consistent with its designation on the Tulsa City-County Major Street and Highway Plan (MHSP) and Bixby Comprehensive Plan as a Primary Arterial. A large stormsewerline has been installed along the south side of 121<sup>st</sup> St. S. between Fry Creek Ditch # 2 and Memorial Dr., which will enable eligible properties in that drainage basin to “pipe” stormwater into the Fry system with payment of excess capacity and fees-in-lieu, and not be subject to a requirement to construct onsite stormwater detention for that part so conveyed. These infrastructure improvements have further enabled the intensive development of this 1-mile major street corridor.*

*As noted above, the 121<sup>st</sup> St. S. bridge over the drainage ditch along the east side of the subject property has been extended, and a new driveway connection is being constructed by agreement with Tulsa County. These improvements will allow for the intensification of use and enhance the development potential of the subject property.*

*It appears that, with the exception of the approximately 320’ of frontage on 121<sup>st</sup> St. S. belonging to Fox Hollow, and the 330.76’ of frontage belonging to the pending “Somerset” housing addition, all of the private land along 121<sup>st</sup> St. S. between Sheridan Rd. and Memorial Dr. has, or is planned or expected to develop/redevelop with intense uses.*

*In a trend accelerating since the street widening, the 121<sup>st</sup> St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The Bixby North Elementary school is located on a 23-acre campus at 7101 E. 121<sup>st</sup> St. S., and west of that is the Bixby North 5<sup>th</sup> and 6<sup>th</sup> Grade Center on a 10-acre campus and the LifeChurch 4.4-acre facility. While its future development and use cannot be forecast, the Three Oaks Smoke Shop was located on a 2-acre tract at 7060 E. 121<sup>st</sup> St. S., and all of the balance of the land to the west of the subject property along the south side of 121<sup>st</sup> St. S. has been zoned CS with PUD 53 and platted in WoodMere for commercial and office uses. An 11-acre Plummer Partners, LLC tract at the 7600-block of E. 121<sup>st</sup> St. S. was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre Bixby Centennial Plaza at the northwest corner of 121<sup>st</sup> St. S. and Memorial Dr. was approved for CS zoning, in 2001, and for commercial development by the plat of Bixby Centennial Plaza in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121<sup>st</sup> St. S. (possibly previously addressed 7600 E. 121<sup>st</sup> St. S.) was rezoned to CS in March of 2012. Between that 1.6-acre tract and the Fry Creek Ditch # 2 right-of-way, 92 acres south of 121<sup>st</sup> St. S. was rezoned to CG with PUD 76 “Scenic Village Park” in March, 2013, and the northerly parts along 121<sup>st</sup> St. S. will be developed with the Covenant Place of Tulsa assisted living facility and nonresidential uses per that PUD. Between the 1.6-acre tract and Memorial Dr., approximately 33 acres south of 121<sup>st</sup> St. S. was rezoned to CS per BZ-379 and BZ-380 in May, 2015.*

*The proposed OL zoning and office use PUD would be less intense but consistent with the CS zoning abutting to the west and extending ¼ mile to Sheridan Rd., and would be consistent with the large office building abutting to the west. The future development and use of the Tiger property to the east at 7060 E. 121<sup>st</sup> St. S. cannot be predicted at this time, but its previous use, the former Three Oaks Smoke Shop, was of a commercial nature.*

*For all the reasons outlined above, Staff believes that the proposed OL zoning and PUD 92 are both consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.*

*Zoning Code Section 11-7I-8.C requires PUDs be found to comply with the following prerequisites:*

1. Whether the PUD is consistent with the comprehensive plan;
2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;
3. Whether the PUD is a unified treatment of the development possibilities of the project site; and
4. Whether the PUD is consistent with the stated purposes and standards of this article.

*Regarding the fourth item, the “standards” refer to the requirements for PUDs generally and, per Section 11-7I-2, the “purposes” include:*

- A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;
- B. Permit flexibility within the development to best utilize the unique physical features of the particular site;
- C. Provide and preserve meaningful open space; and
- D. Achieve a continuity of function and design within the development.

*For the sake of development and land use compatibility, as described more fully above, Staff would be supportive of the Zoning approvals supporting the development proposal if it (1) provides for improved land use buffering and compatibility needs, and (2) provides for adequate access as recommended by City Staff. If these were satisfactorily provided for, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will have been met.*

*Staff Recommendation.* *For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested PUD and rezoning applications generally. Therefore, Staff recommends Approval of both requests, subject to the following corrections, modifications, and Conditions of Approval:*

1. *The approval of OL zoning shall be subject to the final approval of PUD 92 and vice-versa.*
2. *Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item may be addressed by adding a section to the PUD Text, such as “Standard requirements of the City of Bixby Fire Marshal, City Engineer and City Attorney shall be met.”*
3. *Title Page: Please add revision date.*
4. *Title Page: Location Map: Please correct location/configuration or remove.*
5. *Title Page: [Tulsa County Location Map]: Please correct location or remove.*
6. *Table of Contents/Exhibits A and C: Please reconcile exhibit names as listed in Table of Contents with those used on Exhibits A and C.*
7. *PUD Text Section I: Typo in word “to” found in southerly line call, and spacing error found in westerly line call. Legal description not checked for accuracy (Applicant should double-check). Please make all corrections necessary.*
8. *PUD Text Section II, First Paragraph: Terms “Office Low Density” does not correspond with title of OL district requested per BZ-387. Please clarify such as “OL Office Low Intensity District,” or simply “OL, Office.”*
9. *PUD Text Section II, Second Paragraph: Capitalization error in second instance of “Tulsa County.”*
10. *PUD Text Sections II, III, & Exhibits: Consider specifying that the PUD contains one (1) Development Area, such as “Development Area A,” label the one (1) DA on Exhibit B or another exhibit as appropriate, and specify name with the Development Standards.*
11. *PUD Text: Please add the customary section describing required PUD subdivision plat, and that its approval and recording are prerequisites to Building Permit issuance.*

12. *PUD Text: Consider specifying that the Deed of Dedication/Restrictive Covenants of the plat will contain "Maintenance Covenant" provisions pertaining to maintenance and upkeep of properties free of trash, debris, and litter.*
13. *PUD Text / Exhibits: Zoning Code Section 11-7I-8.B.1.e calls for the provision of plans for screening and landscaping. While a 6' high screening fence is called for in the Development Standards, no plans for landscaping are described in the text or represented on any Exhibit. Staff recommends a detailed description of the specific screening and landscaping treatment proposed, and the same should be adequate in respect to the residential neighborhood abutting to the west. Staff has consistently recommended adding extra effort at screening and landscaping buffering along this west boundary shared with single-family residential use. Further, Zoning Code Section 11-7I-6 gives the Planning Commission authority and discretion to require adequate perimeter treatments, including screening, landscaping, and setbacks. A PUD Text section would be in order for this purpose, and the described plans should be represented on Exhibit B or another exhibit as appropriate.*
14. *PUD Text / Exhibits: a 6' high fence would not appear to be consistent with the 8'-high concrete panel fence/wall used to buffer the commercial and residential lots in WoodMere abutting to the west. For the sake of adequate screening and buffering from the existing houses and residential lots abutting to the west, Staff recommends it be consistent with or superior to the masonry fence/wall used in WoodMere, to which the new fence/wall will connect.*
15. *Exhibit B: The minimum parking lot setback from an abutting R district / landscaped strip width is 10' per Zoning Code Sections 11-10-3.B Table 1 and 11-12-3.A.3. The heavy lineweight of the PUD boundary may obscure a 5' setback proposed here. Staff is not supportive of a reduction of the 10' minimum standards, as buffering is of critical importance to the single-family houses and lots abutting to the west. Staff has consistently recommended adding extra effort at screening and landscaping buffering along this west boundary shared with single-family residential use. Further, Zoning Code Section 11-7I-6 gives the Planning Commission authority and discretion to require adequate perimeter treatments, including screening, landscaping, and setbacks. Please revise and adjust site plans accordingly or discuss.*
16. *PUD Text / Exhibits: Within the 10' minimum parking lot setback / landscaped strip along the west side, please describe any plans for identifying, protecting, and replacing existing trees. PUD Text should specify how such trees will be identified (e.g. species, caliper, age, etc.) and replacement schedules (e.g. 2 for 1 removed, deciduous and/or evergreen, minimum heights and calipers of replacement trees, etc.). PUD Text should also describe plans for new tree plantings in addition to existing preserved trees. For new trees, enhanced buffering measures could include minimum tree spacing or alternatively clustering schemes to maximize screening to the nearest residences, minimum numbers of evergreen trees, minimum tree heights and/or calipers greater than the minimum standards of the Zoning Code, etc. Finally, PUD Text should specify whether new screening fence/wall will be permitted to occupy 10' strip or if 10' strip begins on the east side of same.*
17. *Exhibit B: Per Staff's count, approximately 55 parking spaces are indicated on site plan. The PUD would entitle up to 20,421 square feet of building floor area. The PUD would entitle only Use Unit 11 uses for development. For 20,421 square feet, Zoning Code Section 11-9-11.D would require no less than 68 parking spaces, but potentially more, depending on occupancy schedules. However, the PUD Development Standards would preempt this by requiring only 62 for the entire development. This number, however, is not supported by the 55 spaces indicated onsite. Please reconcile appropriately.*
18. *PUD Text / Exhibit B: Does not appear to designate an area for (one [1], preferably shared) trash receptacle screening enclosure. Plans for solid waste disposal should be described in the PUD Text, along with minimum screening standards for any shared screening enclosure, including an opacity standard. If intended, the same should be located as close to 121<sup>st</sup> St. S. and/or as far from residential lots in WoodMere as possible. Such an area may occupy some number of the 62 parking spaces presently indicated. Please address all such interrelated matters appropriately.*
19. *Exhibit B: Hatched areas customarily indicative of ADA-accessible access aisles are represented, but the universal accessibility symbols of accessible parking spaces are not indicated on either side of any of them. Please add accessible spaces, or remove hatched areas.*

20. *Exhibit B: Hatched areas customarily indicative of ADA-accessible access aisles: If retained, it appears that the northerly lot would have approximately 30 parking spaces, but perhaps only one (1) handicapped-accessible space. This ratio may not comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces) and Zoning Code Section 11-10-4.D Table 2. The Applicant should add the one (1) missing accessible space or determine whether the entire development will be considered as a singular parking lot for ADA compliance purposes, or whether the lot lines will require each Lot and/or parking lot strip contain their own minimum numbers of accessible spaces, and make any other adjustments necessary.*
21. *Exhibit B: Does not appear to indicate an accessible path from the existing streetside sidewalk abutting to the west to any building entrance. Unless rights can be secured to construct a sidewalk along the east side of the 20'-wide entrance drive (Tiger property), a sidewalk easement may be necessary along and within the easterly side of abutting Lot 11, Block 1, WoodMere, with a striped accessible crossing to the east side of the drive to connect to sidewalks attending building fronts/Public entrances. A westerly sidewalk may also be coordinated with the owner of the building on Lot 11 if/as needed to provide same an accessible path. Please revise or advise.*
22. *Exhibit B: Please clarify the extent of curbs along the curb return radii at the driveway intersection, and extend as far as required (with or without tapering; see 68<sup>th</sup> E. Ave. example) if/as required by the City Engineer and/or Fire Marshal. Please add and verify adequacy of proposed curb return radii.*
23. *Exhibit B: Please identify and dimension or remove dashed linetypes around the perimeters, perhaps indicating preexisting Easements and/or proposed perimeter U/Es.*
24. *Exhibit B: Please add all missing dimensions:*
  - a. *Proposed building setbacks for all buildings from all represented propertylines.*
  - b. *Proposed north-south internal drive widths (at all points which vary); increase to 26' in width or as per Fire Marshal.*
  - c. *Proposed "hammerhead" turnaround dimensions as per Fire Marshal.*
  - d. *Proposed gate(s) width(s).*
  - e. *Proposed parking space dimensions (stall depth cannot be less than 19' for regular ADA accessible spaces per Zoning Code, or 18' for all spaces if accessible spaces will all be of van- or universal design).*
  - f. *Abutting right-of-way width.*
  - g. *Dimension from southerly right-of-way line to Sectionline.*
  - h. *Abutting 121<sup>st</sup> St. S. roadway width.*
  - i. *Dimension between 121<sup>st</sup> St. S. southerly right-of-way line to southerly curbline and/or Centerline.*
25. *PUD Text Section III: Permitted Uses: Terms "Office Low Density" does not correspond with title of OL district requested per BZ-387. Please clarify such as "OL Office Low Intensity...", or simply "OL, Office."*
26. *PUD Text Section III Development Standards: Maximum Building Height: Please (1) reduce to 30' and (2) specify "Non-habitable architectural elements..." as discussed at TAC meeting, for Fire Code compliance purposes, or otherwise address appropriately.*
27. *PUD Text Section III Development Standards: Minimum Building Setbacks: Please clarify that "boundary" is "PUD boundary," to avoid interior lines from having setbacks, unless this is indeed intended (see next item).*
28. *PUD Text Section III Development Standards: Minimum Building Setbacks: If setbacks are intended, or required by Fire Code/Fire Marshal, between internal lotlines and/or buildings, please add appropriate line containing such standards. Proposed such setbacks which would trigger higher firewall construction standards should include asterisk text or similar disclaimer identifying this likelihood.*
29. *PUD Text Section III Development Standards: Off-Street Parking: Please specify "Minimum and Maximum Off-Street Parking."*
30. *PUD Text Section III Development Standards: Consider whether flexibility may be necessary from the minimum loading berth requirements and provide same if/as needed.*

31. *PUD Text Section III Development Standards: Landscaped Area: Please clarify if the intent is to spread the 15% landscaped area standard across the entire PUD or reinforce the existing standard on each lot.*
32. *PUD Text Section III Development Standards: Landscaped Buffer and Screening: Please enhance minimum landscaping and screening fence/wall standards as per other recommendations in this report, or provide that the standard required is provided in another section of the report describing same.*
33. *PUD Text Section III Development Standards: Lighting: Please consider a lower maximum lighting mounting height for all exterior lighting than the 20' presently specified, and replace first sentence entirely.*
34. *PUD Text Section III Development Standards: Lighting: Please replace third/final sentence with a more stringent lighting standard as used elsewhere throughout Bixby such as "Light, as measured in footcandles, shall not exceed 0.0 footcandles along the east line of Block 4 of Woodmere. A lighting plan shall be a required element of the PUD Detailed Site Plan, and shall include a photometric plan demonstrating compliance with the foregoing lighting requirements."*
35. *PUD Text Section III Development Standards: Lighting: Please discuss whether a streetlight will be needed to illuminate the new driveway/street intersection and add plans for adding same if/as required by the City Engineer, Public Works Director, or Public Safety officials.*
36. *PUD Text Section III Development Standards: Signage: a: It is likely that a ground sign will advertise businesses in the back / south end of the office park development. The Zoning Code (Sections 11-2-1, 11-9-21.F, etc.) would recognize such an off-premise ground sign as a "billboard," prohibited by the Zoning Code. This is a common situation and relief from this restriction has commonly been done within PUDs either at the time of their initial approval or by amendment (PUD 65 Major Amendment # 1, PUD 73, PUD 76, PUD 47-C, PUD 81, PUD 60 Major Amendment # 1, etc.). Consider specifying that this sign shall be allowed to advertise all lots within the PUD.*
37. *PUD Text Section III Development Standards: Signage: b: Please restrict internally- and externally-illuminated wall signage in respect to the residential neighborhood to the west.*
38. *PUD Text Section III Development Standards: Signage: b: Consider clarifying that "building wall," as used in this context, shall include all wall sections for the concerned elevation, to account for variegated façades.*
39. *PUD Text Section III Development Standards / Exhibit B: Bixby Subdivision Regulations Section 12-3-3.A requires a 17.5'-wide Perimeter U/E. It is not clear that the buildings are represented at 17.5' or greater setbacks from the east or south PUD boundaries. Further, the PUD Development Standards only requires an 11' setback from these boundaries. To prevent conflict and potential damage due to reliance on the PUD, please increase setbacks to the 17.5' and consider a 20' setback to provide at least a 2.5' buffer area, or the amount necessary to protect the integrity of the foundation and supporting wall, in the event of excavation of the U/E up to its interior edge.*

*Alternatively, the proposed utility plans indicate no water or sewer infrastructure will be proposed, and the City Engineer's review memo indicates the same will not be required along the east PUD boundary. If not otherwise requested by any utility provider, a Modification/Waiver of Subdivision Regulations Section 12-3-3.A may be requested to reduce or remove the U/E here, and if the same is anticipated, this should be discussed with the City Engineer and Public Works Director and the other utility companies. If agreed to by all, the PUD Text should specify, in Section VI or elsewhere as appropriate, intent to make request for Modification/Waiver with the plat application. The same may apply if the southerly PUD / plat boundary is not found to require the full 17.5' width.*

40. *Exhibit B: Please relocate access gate to south end of "hammerhead" turnaround as per Fire Marshal recommendation at the TAC meeting or otherwise address appropriately. Discuss whether a second gate would be required for the east-west portion of the maintenance drive.*
41. *Exhibit B: Please clarify dashed, circular linetype and jointed/punctuated solid linetype south of the southwest lot corner.*
42. *PUD Text Section III Development Standards: Maximum Permitted Building Floor Area: The 20,421 square feet restriction corresponds to an FAR of 0.40, as permitted in the OL district by*

*Special Exception or PUD approval. However, the restriction appears to exclude the gross area contribution of 121<sup>st</sup> St. S. (20' X ½ of abutting R/W). Please adjust or otherwise confirm understanding and acceptance that the building floor area restriction will restrict allowable floor area from what the subject property is presently entitled. Adjustment should include specifying the Gross Land Area in PUD Text Section III Development Standards. Further, up to 25% of any second stories of buildings may be excluded from maximum allowable FAR per Zoning Code Section 11-7I-5.A.2.c. Reservation of right to use the flexibility provision may be added as asterisk text or otherwise.*

43. *PUD Text Section III Development Standards: E. 121<sup>st</sup> Street Arterial Frontage: Please qualify line item standard as "... Frontage (Minimum)" or otherwise as appropriate.*
44. *PUD Text Section III Development Standards: E. 121<sup>st</sup> Street Arterial Frontage: Frontage may actually be 19' or 21' as explained in the Access & Internal Circulation section of this analysis above. Please address here and throughout PUD Text as appropriate.*
45. *PUD Text Section IV: Although briefly mentioned in PUD Text Section VIII "Parcelization," please describe here plans for dedicating, by plat or separate instrument preceding plat, a Mutual Access Easement, or otherwise how southerly lots will be granted legal access from northerly lots.*
46. *PUD Text Section IV: First Sentence: Please specify that entrance "will be built to Tulsa County and City of Bixby specifications," the latter unless otherwise excepted by the City Engineer and Public Works Director.*
47. *PUD Text Section IV: Please remove words "for minor streets," as this would cause conflict with Bixby Subdivision Regulations Ordinance # 854 Section 9.2.2, which requires, for "Low Density Residential" Minor Streets, 50' of right-of-way and 26' of paving (between curb faces) throughout. Sentence should stand at "... City of Bixby standards."*
48. *PUD Text Section IV: Please use of term "streets" in section title, body of text, and elsewhere throughout the PUD Text should be avoided in favor of "private drive/s," "mutual access drive/s," or similar. The term "street" may imply or create additional, unintended regulatory measures.*
49. *PUD Text Section IV: Please describe here existing or plans for proposed access rights to the north-south drive in favor of Tulsa County.*
50. *PUD Text Section IV: Please confirm/clarify here that Tulsa County deems, as right-of-way for the 121<sup>st</sup> St. S. County road, the 15'-wide "handle" of the Tulsa County "flag-lot" containing the wetland mitigation area abutting to the south, or at least that part north of the right-of-way line projected through same.*
51. *PUD Text Section IV: Presuming the full 20' width is available and approved by the Fire Marshal, please specify that the internal drives will be 20' in width (between curb faces) for the northerly X' feet, and 26' in width (between curb faces and exclusive of designated parking spaces and fire lane striping) for the balance.*
52. *PUD Text: If and as required by the Fire Code / Fire Marshal as mitigating measures in response to a 20'-wide drive allowance, please specify all such mitigation measures in an appropriate section of the PUD Text.*
53. *PUD Text Section IV: Please specify intent to re/construct, within the right-of-way, ADA-accessible curb ramps on both sides of the driveway connection under construction, aligned with the sidewalk on west side.*
54. *PUD Text Section IV: Final Sentence: Please remove or modify appropriately pursuant to Fire Marshal's determination of inadequacy of maintenance access drive(s) for secondary "ingress/egress." If retained, it should specify that it is not recognized as an adequate fire access road but does connect to both 121<sup>st</sup> St. S. and 131<sup>st</sup> St. S. via the Fry Creek Ditch maintenance access road / trail.*
55. *PUD Text Section VII: PUD does not describe plans for utilities in any great detail. Please enhance appropriately. At a minimum, it should describe conduit size from overhead electric/telephone/communications lines along 121<sup>st</sup> St. S., utility corridor routing, necessity and width of U/E along easterly and southerly sides as determined by utility companies, etc.*
56. *PUD Text Section VII: Please specify that the "detailed site plan" will be reviewed and approved by Planning Commission, as was required in the nearby PUD 76, or otherwise address appropriately.*

57. *PUD Text Section VIII: Please qualify final sentence such as “...zero frontage along E. 121<sup>st</sup> Street South, subject to the provision of a Mutual Access Easement or other approved legal access.”*
58. *PUD Exhibit I: To the extent Exhibit I reflects proposed site features which must be modified pursuant to recommendations pertaining to Exhibit B, please make same modifications here.*
59. *For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.*
60. *A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).*

Erik Enyart noted that Tulsa County had sold the subject property to the Applicant in 2009, and that [he and other City Staff] had been meeting with owner Marc Bullock about different designs for a small, office park development since that time. Mr. Enyart stated that [almost] all of the private-sector properties along 121<sup>st</sup> St. S. between Sheridan Rd. and Memorial Dr. had developed intensively or were zoned or otherwise expected to do so, and described the infrastructural improvements within the corridor. Mr. Enyart stated that Staff was supportive of the applications and small office park development, but had concerns for the adequacy of the screening and buffering along the west side.

Chair Lance Whisman asked if the Applicant was present and wished to speak on the item. Applicant Marc Bullock indicated he would defer his comments until after others had spoken.

Chair Lance Whisman recognized Lee Jenkins of 12205 S. 68<sup>th</sup> E. Ave. from the Sign-In Sheet. Mr. Jenkins stated that the subject property was directly behind his house, and that he was “opposed to this.” Mr. Jenkins expressed concern for property values, and stated that he had a \$1 Million house and that [his next door neighbor] Matt [McCormick] had a \$1 Million house. Mr. Jenkins stated that the value would not be increased if [this development were approved], and “We are in opposition to this.” Mr. Jenkins expressed concern about the adequacy of the design. Mr. Jenkins stated, “We paid \$150,000 to \$175,000 per lot [in WoodMere]. Mr. Jenkins stated that he had met with Mr. Bullock. Mr. Jenkins stated that [the protest petition distributed to the Planning Commissioners prior to the meeting] included every name [of WoodMere residents] but two (2), as they were out of town. Mr. Jenkins indicated that the two (2) had agreed to sign the petition upon their return. Mr. Jenkins stated that there was “not one that agrees with this.” Mr. Jenkins expressed concern for safety, and suggested that the development include a security gate.

Chair Lance Whisman recognized Mike and Shari Lowman of 8900 E. 131<sup>st</sup> St. S. from the Sign-In Sheet. Mr. and/or Mrs. Lowman stated that they were attending for another matter. Erik Enyart noted that people may have written down the page numbers of the agenda packet [corresponding to their items of interest].



Chair Lance Whisman recognized Applicant Marc Bullock of 5507 E. 108<sup>th</sup> Pl. S., Tulsa, from the Sign-In Sheet. Mr. Bullock stated that plans for the property had been on the board since 2009. Mr. Bullock stated that he had talked to Tulsa County, but the County didn't have any money to improve access [to their wetland mitigation facility to the south], which had a gravel maintenance access drive. Mr. Bullock stated that there was a problem providing access from the rear, so he discussed with the County constructing access to 121<sup>st</sup> St. S. Mr. Bullock stated that he had purchased the property in 2009, and that he [and other(s)] developed WoodMere, a mixed-use development of 21 acres with five (5) acres of commercial zoning. Mr. Bullock stated that he had developed WoodMere in a recession, and a wet year. Mr. Bullock stated that the recession hit and the subdivision "sat several years." Mr. Bullock stated that, when he was acquiring the subject property, he spoke with Erik Enyart and discussed OL low intensity zoning for the property. Mr. Bullock stated that, in 2013 or 2014, he discussed his property with the builder of Lee Jenkins' house, Matt Means of Landmark Resources. Mr. Bullock stated that he had discussed OL low intensity zoning, but Mr. Means had asked him how he could prove [his intentions], and he responded that he could not prove it. Mr. Bullock stated that, if the owners had done due diligence, they would see that his name was on the tract since 2009, and could have called and discussed this with him. Mr. Bullock stated that, if they "do [due diligence] through the builder, I'm sorry." Mr. Bullock stated that he took the approach "that we need to contact all the homeowners in WoodMere," and that he had sent a letter to all of them, and had contacted Mr. Jenkins and Mr. McCormick because they would be affected most. Mr. Bullock stated that they had met at Mr. Jenkins' house. Mr. Bullock stated that, as for the trees, he could have taken them down at any time since 2009. Mr. Bullock stated that he was a builder and developer, and [from his experience], during the development processes, very few will stay. Mr. Bullock stated that, of the 60 items in [the Staff Report], none were insurmountable, and that he wanted to comply with the requirements for trees and fences, "but be reasonable." Mr. Bullock stated that most of the comments he was in agreement with, but there were a few he wanted to discuss. Mr. Bullock stated that Mr. Jenkins will want a screening wall. Mr. Bullock stated that he was in total disagreement with [the statement on property values], as he has done another development at the northwest corner of 121<sup>st</sup> St. S. and Sheridan Rd. [with houses next to offices], and the "values continued to rise [there]." Mr. Bullock stated that the two (2) story [office building abutting to the west] had been there since 2010, that its valuation fell because of the recession, and that it had recently sold again, but that the value was beginning to rise. Mr. Bullock stated that the people saying this will devalue their property, "I don't think that is the case," and referred to the previous example. Mr. Bullock indicated objection that he was being held to a higher standard for screening, landscaping, and buffering than was used for the [Woodcreek Office Park] behind *Lowe's* on 111<sup>th</sup> St. S. in Bixby. Mr. Bullock stated that he had talked to [developer Rick] Dodson, and that that project's landscape buffer was 10 [feet], and the screening wall was on the 10'. Mr. Bullock stated that the screening fence was only four (4) feet high with columns five (5) feet high. Mr. Bullock expressed objection that the City might "hold me to a higher standard," and urged [the City to] keep the [same] standards.

Erik Enyart stated that a four (4) foot high fence for Woodcreek Office Park, if it was [only] that high, was already in place before the office building was built. Mr. Enyart also drew a distinction from this case and that of Woodcreek Office Park: both the commercial and residential development areas in *Woodcreek Village Amended* were zoned commercial and residential [at the time of the amended plat] and were built and platted at the same time, but Marc Bullock was proposing a new development at this time.

Chair Lance Whisman recognized Richard Luebke of 12244 S. 68<sup>th</sup> E. Ave. from the Sign-In Sheet. Mr. Luebke asked why the developer was proposing to develop this property before building on the commercial lots in WoodMere. Marc Bullock responded in terms of timing, costs, and the horrendous amount of capital required to develop land.

A concern was raised that the property may develop other than for the office park, and for the need for a legal document restricting to office use. Erik Enyart stated that the PUD was a legal document and specifically stated that this was the only thing that could be built. Mr. Enyart clarified that only Use Unit 11 office uses could be built, and such uses may include doctor's offices, dentist's offices, accountants, attorneys, etc.

Jerod Hicks asked, and was told that the screening fence between the commercial lots along 121<sup>st</sup> St. S. and the residential development area in WoodMere was an 8'-high masonry wall. Marc Bullock indicated disagreement [with the suggestion of a higher fence standard than proposed]. Erik Enyart stated that the PUD should be tailored to the surrounding context, and noted that the Zoning Code specifically authorized the Planning Commission to discuss the adequacy of screening and buffering.

Chair Lance Whisman recognized Matt McCormick of 12225 S. 68<sup>th</sup> E. Ave. from the Sign-In Sheet. Mr. McCormick stated that he was a real estate appraiser, and had experience with valuation. Mr. McCormick expressed concern for a 30'-high office building adjacent to his property. Mr. McCormick stated that he did his due diligence and saw the property was zoned AG and landlocked, and stated that he thought, perhaps, it might become an "SFR" [single family residence]. Mr. McCormick expressed preference for window restrictions. Mr. McCormick stated that he did not foresee property values increasing [were these applications to be approved].

Larry Whiteley asked about building heights, and Erik Enyart confirmed that the buildings could be lower but would be allowed up to 30'.

Marc Bullock stated that there would be nearly 75' from the buildings to the shared propertylines, and that there would not be that many windows.

Lee Jenkins stated that Erik Enyart had been to his property and had seen the subject property from it. Mr. Jenkins stated that, "if [these applications were] to go through," he wanted to see "an 8'[-high] wall around the whole deal."

Chair Lance Whisman expressed concern for lighting. Erik Enyart stated that one of his recommendations was to enhance buffering with a zero (0) footcandle standard at the residential propertyline, as measured by a photometric plan, and that the developer consider reducing the maximum mounting height for outdoor lighting.

Larry Whiteley asked Marc Bullock if he was okay with this recommendation, and Mr. Bullock indicated this "can work."

Thomas Holland asked Marc Bullock if he would agree to an 8'-high masonry wall such as he had built in WoodMere. Mr. Bullock responded, "I believe the recommendation of Staff is to be

consistent in that manner.” Discussion ensued. Erik Enyart stated that, in the case of Woodcreek Office Park, he believed that the screening met all of the minimum standards required, and in that case, the developer went “above and beyond” by screening with evergreen trees, which enhanced buffering in winter months.

Matt McCormick expressed concern for rezoning from AG to light office, and stated that he did not think the property could be developed [as currently proposed] because it was landlocked. Mr. McCormick noted that it appeared a deal had been worked out with Tulsa County, which he understood would allow [both parties mutual access].

Thomas Holland suggested that the wetland mitigation area would remain undeveloped, short of Federal approvals. Erik Enyart agreed and stated that he expected it should be that for a very, very long time.

Patrick Boulden asked about a certain previous instance of window restrictions. Erik Enyart responded that he did not recall the suggested instance specifically, but that one should expect to have windows on the fronts of the buildings. Mr. Boulden suggested a formula involving surface areas and heights. Mr. Enyart asked Marc Bullock if he was amenable to restrictions on second-story windows, and Mr. Bullock responded, “I’m willing to talk about it.”

Jerod Hicks stated that the question was whether the property was considered rezone-able. It was noted that there was commercial zoning to [the west along 121<sup>st</sup> St. S.]. Matt McCormick stated that, if one were to buy “next to a hard corner,” they should “expect something there eventually, especially in Bixby,” but suggested that this property was not on a “hard corner.”

Thomas Holland noted that the law provided that an owner of two (2) properties could not sell one without giving access [to the back tract through the front one].

Marc Bullock stated that there was an example at the southwest corner of 111<sup>th</sup> St. S. and Yale Ave. [in Tulsa] where the office tenants are there in the day providing security for the houses, and [the homeowners watch over the office properties at night]. Mr. Bullock stated that this was a nice cohesion which has worked out very well. Mr. Bullock stated that, in that case, the valuation did not go down, but increased.

Matt McCormick left at this time at 7:12 PM.

Thomas Holland and Marc Bullock discussed the depth of the propertyline shared with the office building to the west. Mr. Bullock stated that it was 140’ in depth. Mr. Holland observed that Mr. Bullock’s property was much deeper and stated that he would hate to set that kind of precedent [of allowing nonresidential zoning to that depth].

Lee Jenkins expressed the importance of having a masonry wall.

A short recess was observed for a few minutes at 7:13 PM.

Patrick Boulden suggested certain restrictions for first and/or second floor windows. Marc Bullock expressed objection to the suggestion to get into building design. Mr. Boulden indicated favor for window restrictions [as previously suggested]. Thomas Holland expressed concern for looking into homes [absent adequate window restrictions]. A suggestion was offered to place the buildings at an angle.

Thomas Holland expressed concern for granting [nonresidential zoning] almost 400' deep. Marc Bullock stated that the land was triangular in shape and that there was no land to build on at the 140' depth.

Chair Lance Whisman asked if there were any further comments or otherwise to entertain a Motion.

Thomas Holland suggested Continuing the application to resolve all of the outstanding issues. It was suggested that the Applicant may prefer an up or down vote. A question was raised regarding the proposal for screening fence or wall, and Mr. Bullock indicated he had already agreed to doing an 8'-high masonry wall, consistent with what was there [in WoodMere], as Erik Enyart had asked for.

Chair Lance Whisman asked Marc Bullock what other recommendations he would agree to. Erik Enyart suggested that it would be better to ask if there were any recommendations to enhance buffering which the Applicant would not agree to. Mr. Bullock stated that the standards were different every time, and that he understood this [from the previous discussion]. Mr. Whisman asked Mr. Bullock if there were any recommendations he was opposed to, and Mr. Bullock responded, "Apparently not."

Lee Jenkins expressed concern that there would be an approximately 400'-long drive [along the back sides of his and others' houses], which "leaves the neighborhood vulnerable." Mr. Jenkins suggested a gate. It was observed that the Fire Marshal may or may not approve of such a gate. Mr. Jenkins expressed concern that, if the development was not done right, it could flood his house, as the heavy rains already that year [suggested to him]. Marc Bullock stated that he had already discussed drainage with the City Engineer and [County Engineer] Tom Rains, and that everything had to drain from the west to the east to the concrete flume. Mr. Bullock described the overflow design with the weir serving the wetland mitigation area.

There being no further discussion, Larry Whiteley made a MOTION to Recommend APPROVAL of OL zoning per BZ-387 subject to all of the recommendations included in the Staff Report.

Chair Lance Whisman asked if the recommendations in the Staff Report included everything. Erik Enyart noted that the City Attorney had recommendations on window restrictions.

Larry Whiteley indicated his Motion was for the rezoning and not the PUD. Erik Enyart stated that Staff would not recommend rezoning without the PUD.

Larry Whiteley Withdrew his Motion.

Chair Lance Whisman asked to entertain a new Motion. After a time, Mr. Whisman asked what would happen if no Motion was made. Erik Enyart stated that he believed there needed to be [a Motion], but deferred to the City Attorney. Patrick Boulden stated that there needed to be a Motion to deny, or recommend Approval subject to Staff recommendations, or to Continue the applications.

Jerod Hicks asked Steve Sutton for comment. Mr. Sutton stated that he liked Patrick's window restrictions suggestion, liked the 8'-high fence, and indicated favor for allowing the property to be developed, but urged that the Commissioners should do everything they could to help Mr. Jenkins, and to do anything above and beyond [the minimum requirements for screening and buffering].

Thomas Holland asked about the suggestion for a locked gate. Larry Whiteley suggested that it could be locked automatically at a certain hour at night. Marc Bullock indicated agreement to install such a gate, if the Planning Commission and City Council would allow, and noted that the Fire Marshal would likely require a Knox [Rapid Entry System]. Mr. Bullock indicated that such a gate would be unusual, but possible. Larry Whiteley noted that it could cut down on the light needed at night.

Jerod Hicks stated that he was just asking the question, but suggested Marc Bullock may agree to restricting buildings to one (1) story. Mr. Bullock indicated that he could not predict the market, and expressed concern for return on investment. Mr. Bullock noted that the first building [from the north] would be one story, and the others had been reduced further to 30' in height. Discussion ensued.

There being no further discussion, Steve Sutton made a MOTION to Recommend Approval of PUD 92 and OL zoning per BZ-387 subject to the following Conditions of Approval:

1. All Staff recommendations,
2. The City Attorney's recommendations on second story window restrictions,
3. The 8' masonry wall matching WoodMere as recommended by Staff [reference recommendation # 14 in the Staff Report],
4. A gate if possible per the Fire Marshal, and
5. Any other screening/buffering as agreed to between the neighbors and the owner.

Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

|                |  |
|----------------|--|
| AYE:           | Holland, Whisman, Whiteley, Sutton, and Hicks. |
| NAY:           | None.  |
| ABSTAIN:       | None.  |
| MOTION PASSED: | 5:0:0  |

Erik Enyart announced that these applications would go to the City Council for final action the following Monday at 6:00 PM, unless something came up.

Chair Lance Whisman declared that, in the interest of time and those attending, the Agenda Items would be taken out of order and Agenda Item # 6 would be heard at this time.

## OTHER BUSINESS

6. **BL-401 – Steve & Tana Killman.** Discussion and possible action to approve a Lot-Split for approximately 7.5 acres in part of the NE/4 of the NE/4 of Section 20, T17N, R13E.  
Property located: 15310 S. Harvard Ave.
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Chair Lance Whisman introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Tuesday, November 10, 2015  
**RE:** Report and Recommendations for:  
BL-401 – Steve & Tana Killman

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LOCATION: – 15310 S. Harvard Ave.  
– The E. 990' of the S/2 S/2 NE/4 NE/4 of Section 20, T17N, R13E

LOT SIZE: 7.5 acres, more or less

ZONING: AG Agricultural District

SUPPLEMENTAL ZONING: None

EXISTING USE: Agricultural land and a single-family dwelling

REQUEST: Lot-Split approval

COMPREHENSIVE PLAN: Corridor + Development Sensitive + Vacant, Agricultural, Rural Residences, and Open Land

PREVIOUS/RELATED CASES: (none found)

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of the E. 990' of the S/2 of the NE/4 of the NE/4 of Section 20, T17N, R13E, and has 330' of frontage on Harvard Ave. It contains 7.5 acres, more or less, and is zoned AG Agricultural District. It contains a house addressed 15310 S. Harvard Ave. at its southeast corner, and agricultural/storage buildings behind/west of same.

The subject property is not served by Bixby sanitary sewer or water service. The subject property may lie within the service district of Creek County Rural Water District # 2, and may or may not have access to a waterline. Electric, natural gas, telephone, and cable utility access is not known. Borrow ditches attend Harvard Ave. to provide street and streetside drainage.

The subject property is moderately sloped and appears to primarily drain to the west toward an upstream tributary of Posey Creek, which flows northeasterly. There appear to be one or more "farm ponds" on the property.

General. The owner is seeking Lot-Split approval to separate approximately 2.77 acres with the existing dwelling addressed 15310 S. Harvard Ave. from the balance of the agricultural tract. The "back" 4.72-acre tract will be used, per the Applicant and application form, to "build [a] home."

Per the submitted survey, both proposed tracts would meet the minimum lot area and minimum lot width standards in the AG district. The "back" tract would only have 130' of frontage on Harvard Ave., but the AG district has no minimum frontage requirement, per se, and the lot width (average of the front and rear lotlines) meets the minimum required. Based on the submitted survey, the existing house will meet the AG district's minimum setback requirements from the proposed new lot lines, and the "lagoon" will be located on the same tract as the house.

The Technical Advisory Committee (TAC) reviewed this Lot-Split on November 04, 2015. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval.

Chair Lance Whisman recognized Applicant Steve Killman. Mr. Killman stated that he planned to build a house.

There being no further discussion, Jerod Hicks made a MOTION to APPROVE BL-401. Larry Whiteley SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Holland, Whisman, Whiteley, Sutton, and Hicks.  
NAY: None.  
ABSTAIN: None.  
MOTION PASSED: 5:0:0

Chair Lance Whisman called a recess at 7:43 PM.

Chair Lance Whisman called the meeting back to order at 7:52 PM.

**PUBLIC HEARINGS (resumed)**

4. **PUD 78 – “Willow Creek” – Major Amendment # 1 – Rosenbaum Consulting, LLC for Willow Creek Development, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 78 for approximately 43.965 acres, all of *Willow Creek Estates*, with underlying zoning RS-3 Residential Single-Family District and RM-3 Residential Multi-Family District, which amendment proposes to allow off-street parking to be located off the subject property and within the Public street right-of-way (cf. Zoning Code / City Code Section 11-10-2.D), to remove the 7.5’ minimum width parking lot setback and landscaped strip requirements (cf. Zoning Code / City Code Section 11-10-3.B Table 1 and 11-12-3.A.2), and make certain other amendments.  
**Property Located:** South and west of the intersection of 131<sup>st</sup> St. S. & 93<sup>rd</sup> E. Ave.

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Chair Lance Whisman introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

***To:*** Bixby Planning Commission  
***From:*** Erik Enyart, AICP, City Planner  
***Date:*** Monday, November 09, 2015  
***RE:*** Report and Recommendations for:  
***PUD 78 Major Amendment # 1 – “Willow Creek” – Rosenbaum Consulting, LLC for Willow Creek Development, LLC***

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**LOCATION:** – South and west of the intersection of 131<sup>st</sup> St. S. & 93<sup>rd</sup> E. Ave.  
– All of Willow Creek Estates  
**SIZE:** 43.965 acres, more or less  
**EXISTING ZONING:** RS-3 Residential Single-Family District, RM-3 Residential Multi-Family District, & PUD 78  
**EXISTING USE:** Platted residential lots, streets, and Reserve Areas in Willow Creek Estates  
**SUPPLEMENTAL ZONING:** PUD 78 “Willow Creek” and Corridor Appearance District (partial)  
**REQUEST:** Approval of Major Amendment # 1 to Planned Unit Development (PUD) # 78 for approximately 43.965 acres, all of Willow Creek Estates, with

underlying zoning RS-3 Residential Single-Family District and RM-3 Residential Multi-Family District, which amendment proposes to allow off-street parking to be located off the subject property and within the Public street right-of-way (cf. Zoning Code / City Code Section 11-10-2.D), to remove the 7.5' minimum width parking lot setback and landscaped strip requirements (cf. Zoning Code / City Code Section 11-10-3.B Table 1 and 11-12-3.A.2), and make certain other amendments

**SURROUNDING ZONING AND LAND USE:**

- North:** CS & AG; The Faith Temple Assembly church, agricultural land, and a house on a 3-acre tract zoned CS, and agricultural land to the north of 131<sup>st</sup> St. S.
- South:** RS-3 & RE; Single family residential in Blue Ridge Estates, Blue Ridge II, Southbridge, and Southwood South Addition.
- East:** CS & AG; The Faith Temple Assembly church, agricultural land zoned CS, and, across Mingo Rd.: AAA Landscaping, the former Four Seasons Lawn Care business (now owned by the City of Bixby for Haikey Creek Flood Improvement Project channel right-of-way), agricultural land, and a cell tower, all in unincorporated Tulsa County.
- West:** RS-3, CG, & CS; Single family residential in Blue Ridge II and Sun Burst and, along 131<sup>st</sup> St. S.: a house on a 3-acre tract zoned CS, the WW Sprinkler Repair business, and the Broken Arrow Hitch & Trailer, and miscellaneous other uses, all zoned CS and CG.

**COMPREHENSIVE PLAN:**

- (1) Medium Intensity + Residential
- (2) Development Sensitive/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land
- (3) Medium Intensity + Commercial Area

**PREVIOUS/RELATED CASES:**

**BZ-23 – Robert Leikam** – Request for rezoning from AG to OL, CS, RM-2, & RS-2 for approximately 117 acres, including parent tract subject property – Modified approval as per Staff granted in 1974 (Ord. # 282).

**BZ-31 – Robert Weir** – Request for rezoning from AG to RS-2 for 8.0 acres of the parent tract subject property at about the 13400-block of S. Mingo Rd. – Approved together with BZ-23 November 19, 1974 (Ord. # 282).

**BZ-236 – Faith Temple Assembly, Inc.** – Request for rezoning from RM-1 to CS for area of parent tract subject property currently zoned RM-2 for future church parking lot – Recommended/Approved for RM-2 zoning in November 1997/January 1998 (Ord. # 765).

**BZ-338 – Cardinal Industries, Inc. c/o Bob Lemons** – Request for rezoning from RM-2, RM-1, CS, OL, RD, and RS-2 to RS-3 for approximately 104.74 acres (includes parent tract subject property) for a future “Willow Creek” residential subdivision – PC recommended Approval 05/19/2008 and City Council Approved 06/09/2008 (Ord. # 1000).

**Preliminary Plat of Willow Creek – Cardinal Industries, Inc. c/o Bob Lemons** – Request for Preliminary Plat and Modification/Waiver (maximum cul-de-sac length) approval for 104.74 acres (includes parent tract subject property) – PC recommended Conditional Approval on 05/19/2008 and City Council Conditionally Approved 05/27/2008.

**BL-353 – Faith Temple Assembly, Inc. c/o Tony Genoff** – Request for Lot-Split approval for 13 acres abutting to the north and east (but including approximately 2 acres of parent tract subject property currently zoned RM-2) to separate the church property from its surrounding acreage – PC Approved 05/19/2008.

**BL-364 – HRAOK, Inc. for Prestige Trading Company** – Request for Lot-Split approval for 104.74 acres (includes parent tract subject property) to allow for the conveyance of approximately 2.3 acres on the east side of the Old Fry Creek Ditch to adjoining property owner (Genoff) to the north (part of a land trade along with BL-365) – PC Approved 12/15/2008.

**BL-365 – HRAOK, Inc. for Tony Genoff** – Request for Lot-Split approval for 9 acres abutting to the north and east, to allow for the conveyance of the approximately 2 acres of parent tract subject property currently zoned RM-2 for attachment to the subject property (part of a land trade along with BL-364) – PC Conditionally Approved 12/15/2008.

**Revised Preliminary Plat of Willow Creek – HRAOK, Inc.** – Request for revised Preliminary Plat and Modification/Waiver (to exceed the 2:1 maximum lot depth to lot width ratio of SRs Section 12-3-4.F)



approval for parent tract subject property – PC recommended Conditional Approval on 06/15/2009 and City Council probably Conditionally Approved 06/22/2009.

BBOA-562 – Hank Spieker for Cardinal Industries, LLC – Request for Special Exception per Zoning Code Section 11-7B-2 Table 1 to allow a Use Unit 5 church and Use Unit 5 private elementary school in the RS-3 and RM-2 Residential districts for parent tract subject property – Withdrawn by Applicant 07/03/2012.

PUD 78 – Willow Creek – Rosenbaum Consulting, LLC – Request for PUD approval for parent tract subject property – PC Recommended Conditional Approval 05/02/2013 and City Council Conditionally Approved 05/13/2013 (Ord. # 2120 approving PUD approved 09/23/2013 upon receipt of the “Final As Approved” PUD on 09/11/2013).

Preliminary Plat of Willow Creek – Rosenbaum Consulting, LLC – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a 291-lot residential subdivision for parent tract subject property – PC Recommended Conditional Approval 05/02/2013 and City Council Conditionally Approved 05/13/2013.

Final Plat of Willow Creek – Rosenbaum Consulting, LLC – Request for Final Plat approval for a 111-lot residential subdivision for subject property – PC Recommended Conditional Approval 04/21/2014 and City Council Conditionally Approved 04/28/2015 (Plat # 6625 recorded 08/24/2015).

RELEVANT AREA CASE HISTORY: (not necessarily a complete list and does not include cases located in unincorporated Tulsa County)

BZ-342 – JR Donelson for Cardinal Industries – Request for rezoning from RS-3 to CS for southerly approximately 2.3 acres of the planned plat of “Willow Creek Plaza” abutting subject property to the east – PC recommended Approval 04/20/2009 and City Council Conditionally Approved 05/11/2009 (Ord. # 2015).

Preliminary Plat of Willow Creek Plaza – Request for Preliminary Plat approval for approximately 9 acres abutting subject property to the east – PC recommended Conditional Approval on 04/20/2009 and City Council Conditionally Approved 04/27/2009.

#### BACKGROUND INFORMATION:

##### ANALYSIS:

Subject Property Conditions. The subject property of approximately 43.965 acres, more or less, consists of all of Willow Creek Estates and is composed of platted residential lots, streets, and Reserve Areas. The property is zoned RS-3 Residential Single-Family District, RM-3 Residential Multi-Family District, and PUD 78.

The subject property parent tracts, combined, have 1,469.95 feet of frontage on 131<sup>st</sup> St. S. and approximately 1,505 feet of frontage on Mingo Rd. The recorded plat of Willow Creek Estates has only 218.73’ of frontage on Mingo Rd., corresponding to the Reserve ‘B’ frontage platted with that first phase. The subject property is bounded on the east by Mingo Rd., on the south and west by residential subdivisions Southwood South Addition, Southbridge, Blue Ridge Estates / Blue Ridge II, and Sun Burst, on the west by the Broken Arrow Hitch & Trailer business on a 4-acre tract zoned CG and a house on a 3-acre tract zoned CS, on the north by 131<sup>st</sup> St. S., and on the northeast by “Twin Hills Creek” / “Old Fry Creek.” Per the EPA My WATERS Mapper, “Twin Hills Creek” was that drainageway that, since the Fry Ditch project was constructed, is now known as Fry Creek # 2 from its northernmost extent to its confluence with Fry Creek # 1. The drainageway was also previously rerouted southwest of the intersection of 141<sup>st</sup> St. S. and Mingo Rd. to discharge directly to the Arkansas River. The portion of this drainageway abutting/within the subject property has been incorporated into a drainage channel, located in Reserve ‘B,’ and is being coordinated with the Haikey Creek Flood Improvement project per the City Engineer.

The land is relatively flat and appears to slope slightly to the southeast along a trajectory paralleling “Twin Hills Creek” / “Old Fry Creek,” which then drains more or less due south after it crosses to the east side of Mingo Rd.

Although the Haikey Creek Flood Improvement project may affect the floodplain situation, certain Reserve Areas currently contain areas of 100-Year (1% Annual Chance) Regulatory Floodplain. The residential building lots, however, have been removed from the 100-year Floodplain per a FEMA-approved LOMR-F per letter from FEMA dated May 22, 2015 (Case No. 15-06-2469A). Elevating the residential building lots out of the 100-year floodplain has avoided conflict with the restriction from platting lots within the 100-year floodplain per SRs § 12-3-2.O.

*The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.).*

*Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium Intensity + Residential, (2) Development Sensitive/Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land, and (3) Medium Intensity + Commercial Area.*

*The existing RS-3 and RM-2 districts both allow the single-family development as proposed. Per the Matrix, the existing RS-3 and RM-2 districts are In Accordance or May Be Found In Accordance with all the Comprehensive Plan designations.*

*Per the Matrix, PUDs (as a zoning district) are In Accordance or May Be Found In Accordance with all designations of the Comprehensive Plan Land Use Map. As the City Council approved PUD 78, it has been found In Accordance with the Comprehensive Plan as a zoning district.*

*Therefore, Staff believes that the existing underlying zoning patterns and PUD 78, and the proposed land uses per PUD 78 Major Amendment # 1, and the existing Willow Creek Estates single-family residential development should all be recognized as being not inconsistent with the Comprehensive Plan.*

*PUD 78 Major Amendment # 1 proposes making certain changes to design features of the parking lot serving the neighborhood amenity, but no significant changes to the proposed schedule of land uses compared to the original PUD 78. Due to the relatively limited scope of proposed changes, the proposed PUD 78 Major Amendment # 1 should be recognized as being not inconsistent with the Comprehensive Plan.*

*General. The Applicant is requesting approval of Major Amendment # 1 to PUD 81. As submitted, this PUD Major Amendment proposes to make certain changes to design features of the parking lot serving the pool/poolhouse neighborhood amenity. Specifically, relief is needed to allow the “off-street” parking lot to be located “on-street,” off the subject property and within the Public street right-of-way (cf. Zoning Code / City Code Section 11-10-2.D), to remove the 7.5’ minimum width parking lot setback and landscaped strip requirements (cf. Zoning Code / City Code Section 11-10-3.B Table 1 and 11-12-3.A.2), and make certain other amendments.*

*See the attached site plans and site plan review memo for further information.*

*The Reserve Area D subject property has frontage on 133<sup>rd</sup> Pl. S. and 93<sup>rd</sup> E. Ave. The site plans do not indicate any driveway connections; rather, it indicates eight (8) parking spaces will be constructed primarily within the 133<sup>rd</sup> Pl. S. right-of-way and incidentally on the Reserve Area D subject property. This design has been used in previous neighborhood pool/clubhouse areas in Bixby,<sup>2</sup> but with several issues including safety, Zoning and City Code conflicts, and practical difficulties.*

*Chiefly, the design requires parked cars back into eastbound and/or westbound driving lanes, which may contain oncoming traffic. Further, there is no separation between the parking lot and the drive lanes. Thus, the parking lot’s immediate proximity to the eastbound drive lane may result in auto-pedestrian conflicts.*

*Secondly, constructing privately-maintained parking on the Public street right-of-way will require an Encroachment / License Agreement from the City Council. A request for same has been received and is being reviewed by City Staff, and may be placed on the November 23, 2015 City Council agenda for consideration, pending the outcome of this PUD Major Amendment.*

*Thirdly, per the Willow Creek Estates waterline and sanitary sewerline plans, the proposed parking lot strip would be paved over the waterline along 133<sup>rd</sup> Pl. S. If this design feature is retained, per the City Engineer, waterline relocation around the proposed parking lot will be required, as it has been in all previous such instances of neighborhood pools/clubhouses at least in the past approximately eight (8) years. The City Engineer has also observed that this design will require modifications to the stormsewer system.*

*Finally, off-street parking must be located on the lot and not in the right-of-way per Zoning Code / City Code Section 11-10-2.D and parking encroaching on the right-of-way will fail to achieve the 7.5’*

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<sup>2</sup> Previous housing additions employing this design included The Ridge at South County (first platted in 2006 as “Fiddler’s Creek”), Seven Lakes I (platted in 2007), Legends (platted in 2007), River’s Edge (platted in 2009), and Bixby Landing (platted in 2009; parking not since built). As recommended by Staff, in 2009, the pool/clubhouse constructed for Chisholm Ranch was designed in substantial conformance to the subject property parking location, parking lot setback, and minimum landscaped strip standards of the Zoning Code (cf. BBOA-506).

minimum setback required per Section 11-10-3.B Table 1 and the concomitant 7.5' minimum-width landscaped strip standard of Section 11-12-3.A.2. This design feature is sought for approval by this PUD 78 Major Amendment # 1.

City Staff including the City Engineer, Public Works Director, Police Chief, Fire Chief, Fire Marshal, and City Planner have reviewed this design feature. It has been observed that, unlike other housing additions employing this design for their neighborhood amenities, this one has certain mitigating factors from a safety standpoint:

1. The parking lot strip is located on a fairly short street, 133<sup>rd</sup> Pl. S., so there is not much room for increasing speed.
2. Most of the concern is for eastbound traffic, and as one will approach the parking lot strip:
  - a. Cars are slowing to stop at the stopsign,
  - b. the street curves, and to the left, which slows traffic and affords improved visibility.
3. The Police Chief may direct signage be installed to alert motorists to unconventional parking and/or increased pedestrian activity (e.g. "Caution Ahead," "Slow/Children at Play," etc.).

Upon review, City Staff have determined that they will not object to this design in this instance.

In the interest of efficiency and avoiding redundancy, regarding PUD particulars for minor needed corrections and site development considerations, please review the recommended Conditions of Approval as listed at the end of this report.

The Fire Marshal's, City Engineer's, and City Attorney's review correspondence are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

The Technical Advisory Committee (TAC) reviewed this PUD 78 Major Amendment # 1 on November 04, 2015. The Minutes of the meeting are attached to this report.

Access and Internal Circulation. Primary access to the subdivision would be via one (1) entrance from 131<sup>st</sup> St. S. and the third via 133<sup>rd</sup> St. S. through Sun Burst. When the balance of "Willow Creek" is fully developed, the third will be from Mingo Road. See the Staff Report for the Final Plat of Willow Creek Estates for additional information on access and internal circulation for the entire Willow Creek Estates subdivision.

This PUD 78 Major Amendment # 1 proposes no changes to access, except as impacted by the design of the parking lot within the right-of-way for 133<sup>rd</sup> Pl. S. as described more fully in the General section of this report.

Surrounding Zoning and Land Use. See the case map and the Staff Report for the Final Plat of Willow Creek Estates for information on surrounding zoning and land use.

Staff Recommendation. For all the reasons outlined above, Staff has no objection to the approval of this PUD Major Amendment.

Staff recommends that City Council Approval be subject to the following corrections, modifications, and Conditions of Approval:

1. As acknowledged in the original PUD 78 Text, subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
2. The letter provided with this application is not presently formatted to allow for the intended use of amending the text of the PUD (outlining scope, citing PUD Text section(s) for amendatory language and supplying same, etc.).
3. For the scope of amendments, please provide that no changes are made to PUD 78 except as specifically outlined in the amendment letter/document. This will ensure no ambiguity that the omitted informational elements are not superseded but remain in effect except as specifically modified.
4. The scope of amendments needs to specify all three (3) Zoning Code standards from which relief is sought, including the Zoning Code section citations and descriptions of the standards (see above analysis for example text).
5. The scope of amendments should specify that the developer will be required to:
  - a. Relocate the waterline as per the City Engineer,
  - b. Make necessary modifications to the stormsewer as per the City Engineer,
  - c. Install warning signage as per the Police Chief,

- d. *Provide that the License / Encroachment Agreement will specify that improvements removed by City and/or franchised utility company, or their agents or contractors, removed for performance of installation, removal, or maintenance of water, sanitary sewer, stormsewer, or franchised utility service, will not be replaced by City and/or franchised utility company, or their agents or contractors (see City Engineer's Site Plan review memo).*
6. *For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.*
7. *A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).*

Erik Enyart noted that, during a previous break, a few people asked about this case and, when he explained it pertained to the design of the parking lot, indicated that they had no further questions and left the meeting. Mr. Enyart stated that, for this reason, some of the people whose names were on the Sign-in Sheet may not speak on the item. Lance Whisman clarified with Mr. Enyart that these were Mr. & Mrs. Lowman and Matt Peak.

Chair Lance Whisman asked if the Applicant was present and wished to speak on the item. The Applicant was not present.

There being no further discussion, Thomas Holland made a MOTION to Recommend APPROVAL of PUD 78 Major Amendment # 1 subject to all of the recommended corrections, modifications, and Conditions of Approval included in the Staff Report.

Thomas Holland also issued a statement expressing concern for setting a precedent, and so identified the unique circumstances in this case.

Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

|                |  |
|----------------|--|
| AYE:           | Holland, Whisman, Whiteley, Sutton, and Hicks. |
| NAY:           | None.  |
| ABSTAIN:       | None.  |
| MOTION PASSED: | 5:0:0  |

PLATS

5. (Continued from 10/19/2015)

**Final Plat – “The Trails at White Hawk II” – Tulsa Engineering & Planning Associates, Inc. (PUD 62).** Discussion and consideration of a Final Plat and certain

Modifications/Waivers for “The Trails at White Hawk II,” approximately 28.613 acres in part of the W/2 SE/4 of Section 15, T17N, R13E.

Property located: North and east of the intersection of 151<sup>st</sup> St. S. and Hudson Ave.

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Chair Lance Whisman introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Tuesday, November 10, 2015  
**RE:** Report and Recommendations for:  
Final Plat of “The Trails at White Hawk II” (PUD 62)

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LOCATION: – North and east of the intersection of 151<sup>st</sup> St. S. and Hudson Ave.  
– Part of the W/2 SE/4 of Section 15, T17N, R13E

SIZE: 28.613 acres, more or less

EXISTING ZONING: RS-3 and PUD 62 “Hawkeye”

SUPPLEMENTAL PUD 62 for “Hawkeye”

ZONING:

EXISTING USE: Vacant/Agricultural

REQUEST: Final Plat approval

SURROUNDING ZONING AND LAND USE:

North: RS-3/PUD 46 & AG; Residential single family homes and vacant lots in The Ridge at South County. To the northeast is an 80-acre agricultural tract zoned AG.

South: RS-3/CG/OL/PUD 62, AG, CG, & CS; Residential single family homes and vacant lots in The Trails at White Hawk, and vacant commercial land along 151<sup>st</sup> St. S. zoned CG and OL with PUD 62. To the southeast is agricultural, rural residential, and commercial on several unplatted tracts along Kingston Ave. and 151<sup>st</sup> St. S. The Mountain Creek Equipment Sales (formerly the Allison Tractor Co. Inc.) tractor/farm equipment sales business is to the southeast on approximately 2.4 acres zoned CG. To the southwest are vacant, rural residential, and agricultural tracts fronting on 151<sup>st</sup> St. S. zoned CS and AG.

East: RS-3/PUD 72; Residential single family homes and vacant lots in Southridge at Lantern Hill.

West: RS-3/RM-2/PUD 3; The White Hawk Golf Club and residential in Celebrity Country and White Hawk Estates.

COMPREHENSIVE PLAN: Corridor/Low Intensity/Development Sensitive + Vacant, Agricultural, Rural Residences, and Open Land + Community Trail

PREVIOUS/RELATED CASES: (Not necessarily a complete list)

PUD 62 – Hawkeye – Hawkeye Holding, LLC – Request for rezoning to CG and RS-3 for a residential and commercial development for 75 acres including subject property – PC Recommended Conditional Approval and approval of underlying zoning change to CG, OL, and RS-3 01/21/2008 and City Council Approved CG, OL, and RS-3 02/11/2008 (Ord. # 991).

PUD 62 – Hawkeye – Major Amendment # 1 – Request for approval of Major Amendment # 1 to PUD 62 for 75 acres including subject property, which amendment proposed to increase the maximum number of residential lots, reduce setbacks, and make certain other amendments – PC Recommended Conditional Approval, with recommendations pertaining to trails, on 06/17/2013 and City Council Approved sans action on trails recommendation 06/24/2013 (Ord. # 2122).

Preliminary Plat of The Trails at White Hawk – Tulsa Engineering & Planning Associates, Inc. (PUD 62) – Request for Preliminary Plat approval for 75 acres including subject property – PC Recommended Conditional Approval 07/17/2013 and City Council Conditionally Approved 07/22/2013.

PUD 62 – Hawkeye – Minor Amendment # 1 – Request for approval of Minor Amendment # 1 to PUD 62 for 75 acres including subject property, which amendment proposed to provide for a cul-de-sac street design for Kingston Ave., provide certain requirements pertaining thereto, and make certain other amendments – PC Approved 09/30/2013.

PUD 62 – Hawkeye – Minor Amendment # 2 – Request for approval of Minor Amendment # 2 to PUD 62 for 75 acres including subject property, which amendment proposed to allow for the creation of a new commercial or office development tract within Development Area B, allow for the transfer of building floor area within Development Area B, and make certain other amendments – PC Approved 12/16/2013.

Final Plat of The Trails at White Hawk – Tulsa Engineering & Planning Associates, Inc. (PUD 62) – Request for Final Plat approval for The Trails at White Hawk, 32.544 acres of the original 75-acre parent tract including subject property – PC Recommended Conditional Approval 02/18/2014 and City Council Conditionally Approved 02/24/2014 (Plat # 6542 recorded 06/09/2014).

**BACKGROUND INFORMATION:**

The Preliminary Plat of this subdivision, consisting of the entire parent tract of 75 acres, more or less, proposed 262 Lots, one (1) of which was a large commercial lot. The Planning Commission recommended Conditional Approval on July 17, 2013, and the City Council Conditionally Approved it July 22, 2013.

With the Preliminary Plat, on the City Council also approved the following Modifications/Waivers:

- Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard. The Modification/Waiver was described as justified by citing the appropriate plan to plat deeper lots along the White Hawk Golf Club, and certain configurations necessitated by the geometries of the 130' PSO easement and Kingston Ave.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets to unplatted tracts abutting to the west and east. The Modification/Waiver was described as justified by the limited extent of the common line shared by the residential Development Area and the tract to the east and its existing access on Kingston Ave. A justification was also provided for not providing a stub-out street to the 8-acre tract to the west.
- Modification/Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage for Lots 26 and 27, Block 2, whose rear lines abut Kingston Ave. City Staff was supportive of this design, which is incidental and unavoidable due to existing geometries.
- Modification/Waiver from Subdivision Regulations Section 12-3-3.A to reduce the widths of the standard 17.5' Perimeter U/Es along the north and east boundary lines as evident on the plat. To the extent they abutted existing 17.5' U/Es in The Ridge at South County and Southridge at Lantern Hill, Staff supported reducing them to 11', as the combined widths would exceed 22', the generally accepted standard for utility corridors on subdivision boundaries.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.F to be released from the half-street right-of-way dedication for Kingston Ave. north of the PSO easement, as described in this report. City Staff supported this Modification/Waiver, based on the cul-de-sac's superior design and the fact that continued legal access will be maintained for the residence at 14800 S. Kingston Ave. in the existing half-street right-of-way to the east.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.N to be released from the sidewalk construction requirement along the half-street right-of-way dedication for Kingston Ave. north of PSO easement, which was reflexive based on the new plans for Kingston Ave.
- Modification/Waiver from Subdivision Regulations Section 12-3-2.O, along with a redesign of affected areas as recommended, to allow Reserve Areas (only) to be platted in the 100-year Regulatory Floodplain.

**ANALYSIS:**

Subject Property Conditions. The subject property of 28.613 acres, more or less, consists of that part of the original PUD 62 area lying north of the first phase, platted as The Trails at White Hawk. Now under construction, the subject property was previously pasture land.

The subject property is moderately sloped and primarily drains to the west to an unnamed tributary of Posey Creek. A small portion of the north side of the east line appears to drain to the east into Southridge at Lantern Hill.

Comprehensive Plan. The subject property is designated Corridor, except for the west approximately 330', which is designated Low Intensity. A portion of the easterly area of the acreage is designated Development Sensitive.

*The existing RS-3 zoning May Be Found In Accordance with the Corridor and Development Sensitive designations, and is In Accordance with the Low Intensity designation.*

*Thus, the current zoning pattern is consistent with the Comprehensive Plan.*

*At its June 17, 2013 Regular Meeting, the Planning Commission held a Public Hearing and recommended Conditional Approval of PUD 62 Major Amendment # 1 by unanimous vote, and to additionally recommend that "the City Council consider the Comprehensive Plan as it pertains to trails in this PUD Major Amendment."*

*The Comprehensive Plan Land Use Map designates a Community Trail more or less along a line paralleling 330' from the westerly line of the subject property through its entire north-south length. It is more likely that any future trail here would follow the course of the tributary of Posey Creek, which only "clips" the southwest corner of the original PUD 62 acreage. This area was platted as Reserve A of The Trails at White Hawk, and is to be used for stormwater detention, which would appear to be conducive to future trail development, as compared to residential or commercial/office development. The site plan provided with Major Amendment # 1 stated that no trails were proposed at that time, and the first phase of the development did not propose trail construction through the original PUD 62 acreage. However, the Dedication and Restrictive Covenants (DoD/RCs) of The Trails at White Hawk provided that the Reserve Areas may be used for "passive and active open space" uses, such as "...recreation, ...sidewalks, and ingress and egress."*

*The Bixby Comprehensive Plan shows a trail connecting Bixby Creek to the Arkansas River through Conrad Farms, various tracts along Sheridan Rd. and 151<sup>st</sup> St. S. and the City of Bixby's cemetery expansion acreage, the subject property and The Ridge at South County, certain other tracts along 141<sup>st</sup> St. S., and Eagle Rock. An amendment to the Comprehensive Plan would not have been required to approve the Major Amendment, because the Zoning Code requires only consistency with the land use elements for rezoning purposes, not the Public Facilities / Urban Design Elements such as trails. At its regular meeting held June 24, 2013, the City Council Approved Major Amendment # 1 and did not make any special requirements pertaining to trails.*

*The Trail designation notwithstanding, the single-family residential development anticipated by this plat would be not inconsistent with the Comprehensive Plan.*

General. *This subdivision of 28.613 acres proposes 151 Lots, five (5) Blocks, and one (1) Reserve Area. With the exceptions outlined in this report, the Final Plat appears to conform to the Preliminary Plat as approved, the Subdivision Regulations, the Zoning Code, and PUD 62.*

*The Fire Marshal's, City Engineer's, and City Attorney's review correspondence are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.*

*The Technical Advisory Committee (TAC) discussed this application at its regular meeting held October 07, 2015. Minutes of that meeting are attached to this report.*

Access and Internal Circulation. *Access to PUD 62 residential Development Area (DA) A (the The Trails at White Hawk and the proposed "The Trails at White Hawk II") is via the Collector Street system, beginning at Hudson Ave. at 151<sup>st</sup> St. S., then 148<sup>th</sup> Pl. S., then Lakewood Ave., which will be extended northward as a Collector Street connecting to the Lakewood Ave. stub-out street in The Ridge at South County. Due to the number of lots proposed with PUD 62 Major Amendment # 1, residential DA A is required to have three (3) points of ingress/egress, two (2) of which consist of the Collector Street connections to 151<sup>st</sup> St. S. and Lakewood Ave. in The Ridge at South County. In addition to serving the accessibility needs of PUD 62 DA A, this connection will improve emergency and regular accessibility for residents of The Ridge at South County and points northward, by providing another point of access and a direct connection to 151<sup>st</sup> St. S.*

*Constructed with the first phase, The Trails at White Hawk, there is an additional emergency-only access drive connecting Lakewood Ave. to Kingston Ave.*

*When the commercial development area is built, a cul-de-sac turnaround will be constructed toward the north end of Kingston Ave. to improve accessibility. See previous Staff Reports for discussion on commercial Development Area B access and Kingston Ave. frontage and particulars.*

*As described above, no trails are indicated as proposed in the "Trails at White Hawk II" development at this time.*

Land Use Restrictions. *The Deed of Dedication and Restrictive Covenants (DoD/RCs) of the plat include proposed land use restrictions, as required by Subdivision Regulations Section 12-5-3.A, and the land use restrictions include proposed minimum house size and masonry standards.*

For the past few years, the City Council has discussed with developers the minimum standards for houses to be constructed within in new housing additions in Bixby, and how proposals for such would compare to the same in other developments in context and in Bixby as a whole. Specifically, the City Council has previously considered (1) minimum house size and (2) minimum masonry content. These matters are always considered when granting a PUD entitlement to reduce lot widths or other bulk and area standards, and during the review of plats pursuant to Subdivision Regulations Section 12-5-3.A.

In 2012/2013, the City Council approved PUD 72, permitting the reduction of certain minimum bulk and area standards for what was later replatted as Southridge at Lantern Hill at 146<sup>th</sup> St. S. and Sheridan Rd. The City Council and the then-owner agreed to impose minimum standards as to house sizes and masonry as follows:

- 1,800 square foot minimum house size
- 100% minimum masonry to the top plate line.

In 2013, the City Council approved PUD 78, permitting the reduction of certain minimum bulk and area standards for “Willow Creek” at 131<sup>st</sup> St. S. and Mingo Rd. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:

- 1,500 square foot minimum house size
- 50% minimum masonry.

In 2014, the City Council approved PUD 82, permitting the reduction of certain minimum bulk and area standards for “Somerset” at 119<sup>th</sup> St. S. and Sheridan Rd. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:

- 75% minimum masonry
- Mature tree preservation.

The Preliminary Plat of “Somerset,” as approved by the City Council, included:

- 2,200 square foot minimum dwelling size for one-story houses, and 2,600 square foot minimum for two-story houses.

After a three (3) month long review process, on November 10, 2014, the City Council Conditionally Approved the “Conrad Farms” housing addition development for Comprehensive Plan amendment per BCPA-12, rezoning to RS-3 per BZ-377, and specific development plans per PUD 85 for approximately 136.48 acres between 151<sup>st</sup> St. S. and 161<sup>st</sup> St. S., Sheridan Rd. and Memorial Dr. The City observed that, in exchange for the special benefits afforded by amending the Comprehensive Plan and the PUD, the Applicant in that case proposed:

- 1,500 square foot minimum house size
- 100% minimum “masonry, or approved masonry alternatives” up to the first floor top plate, including:
  - 35% minimum brick
  - Approved masonry alternatives included “stucco, EIFS, and James Hardie fiber cement”
- Specific plans for neighborhood amenities, including the neighborhood clubhouse and entry features.

In November, 2014, the City Council approved a Preliminary Plat of “Pine Valley Addition.” In accordance with its purview of land use restrictions required to attend a plat according to the Bixby Subdivision Regulations, the City observed that the Restrictive Covenants in that case proposed:

- 1,700 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses
- 100% / “full masonry.”<sup>3</sup>

In November, 2014, the City Council approved the Final Plats of “Seven Lakes V” and “Seven Lakes VI.” In accordance with its purview of land use restrictions required to attend a plat according to the Bixby Subdivision Regulations, the City observed that the Restrictive Covenants in that case proposed:

- 2,200 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses
- 100% masonry including brick, stone, or stucco.<sup>4</sup>

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<sup>3</sup> As recommended/required, one of the Conditions of Approval included that any changes to the DoD/RCs pertaining to the concerned restrictions cannot be amended unless such amendment is also approved by the City Council.



*In January, 2015, the City Council approved straight RS-3 zoning per BZ-378 for the “Bridle Creek Ranch” housing addition of 50.76 acres at 9040 E. 161<sup>st</sup> St. S. The Council accepted the suggestion by City Staff that the minimum standards could be established by the Restrictive Covenants of the plat, in lieu of a PUD as City Staff originally suggested. At the December 15, 2014 Planning Commission meeting, the Applicant stated that the houses would be:*

- *1,600 square foot minimum dwelling size for one-story houses, and 2,000 square foot minimum for two-story houses*
- *100% masonry to the top plate.*

*In January, 2015, the City Council approved the Final Plat of “Quail Creek of Bixby.” In accordance with its purview of land use restrictions required to attend a plat according to the Bixby Subdivision Regulations, the City observed that the Restrictive Covenants in that case proposed:*

- *2,200 square foot minimum dwelling size for one-story houses, and 2,600 square foot minimum for two-story houses*
- *75% masonry including brick, natural rock, or stucco.<sup>5</sup>*

*On 07/27/2015, the City Council approved PUD 90, permitting the reduction of certain minimum bulk and area standards for “Chisholm Ranch Villas II” at 10158 E. 121<sup>st</sup> St. S. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:*

- *2,000 square foot minimum dwelling size for one-story houses, and 2,400 square foot minimum for two-story houses*
- *100% masonry excluding windows and beneath covered porches.*
- *Minimum 10/12 roof pitch, with provisions for “Architectural Committee” waiver.*

*On 08/24/2015, the City Council approved straight RS-3 zoning per BZ-384 for the “Presley Heights” housing addition of 42.488 acres at the 2800-block of E. 141<sup>st</sup> St. S. The Council accepted the suggestion by City Staff that the minimum standards could be established by the Restrictive Covenants of the plat, in lieu of a PUD as City Staff also suggested. At the August 17, 2015 Planning Commission meeting, the Applicant stated that the houses would be:*

- *2,000 square foot minimum dwelling size for one-story houses, and 2,500 square foot minimum for two-story houses*
- *100% masonry for first stories, except underneath porches, windows, and doors.*

*On 10/06/2015, the Planning Commission recommended approval of PUD 91, permitting the reduction of certain minimum bulk and area standards for “The Village at Twin Creeks” at 11625 S. Mingo Rd. The City observed that, in exchange for the special benefits afforded by the PUD, the Applicant in that case proposed:*

- *2,400 square foot minimum dwelling size*
- *100% masonry to the first floor top plate excluding windows, covered porches, and patios.*

*As the above listing indicates, minimum standards vary by application and consider contextual factors specific to each development site.*

*The plat of Celebrity Country, recorded 10/28/1983, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:*

- *2,600 square foot minimum dwelling size*

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<sup>4</sup> *At the time, Staff expressed concern about DoD/RCs allowing the minimum masonry standards to be waived by the subdivision’s Architectural Committee (typically = developer) and recommended that the DoD/RCs provisions pertaining to minimum house size and masonry content cannot be amended without the approval of the City Council. These changes were included as the Council’s modifications and/or Conditions of Approval. As recommended/required, the Applicant made the appropriate adjustments, including removing the waiver provision and relocating the concerned provisions to another section of the DoD/RCs requiring City Council approval for amendments, before the Final Plat was submitted and approved by CC January 26, 2015.*

<sup>5</sup> *Staff expressed concern about DoD/RCs Section IV.E allowing the minimum masonry standards to be waived by the subdivision’s Architectural Committee (typically = developer). The City Council required that the City Council also approve any waivers of the masonry requirement and that the DoD/RCs provisions pertaining to minimum house size and masonry content cannot be amended without the approval of the City Council.*

- 50% masonry (sans stucco) excluding windows and doors, with provisions for “Building Committee” waiver.

The plat of The Ridge at South County, recorded 06/27/2008, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 1,800 square foot minimum dwelling size
- [100%] masonry excluding windows and doors, with provisions for “Architectural Committee” waiver.

The plat of The Trails at White Hawk, recorded 06/09/2014, includes the following Restrictive Covenants pertaining to minimum standards for individual home construction:

- 1,100 square foot minimum dwelling size
- 33% masonry to the 8’ plate line, excluding trim, with provisions for “Architectural Committee” waiver.

As it pertains to minimum standards for individual home construction, this plat proposes:

- 1,100 square foot minimum dwelling size
- 33% masonry to the 8’ plate line, excluding trim, with provisions for “Architectural Committee” waiver.

Although identical to the minimum standards for home construction included with The Trails at White Hawk, Staff believes that the proposed standards are not consistent with the abutting Southridge at Lantern Hill, The Ridge at South County, or Celebrity Country subdivisions or with recent precedents for such standards as approved in Bixby for the past few years. This second phase will be closer to Southridge at Lantern Hill and The Ridge at South County than the first phase. To improve consistency and compatibility with the surrounding context and recent precedents, the developer could propose to:

1. Increase minimum dwelling size,
2. Increase minimum masonry,
3. Require approved masonry alternatives for the non-masonry balance of the exteriors, and/or
4. Propose other methods of improved compatibility and consistency as may be found acceptable to the City Council.

Staff Recommendation. Staff recommends Approval of the Final Plat subject to the following corrections, modifications, and Conditions of Approval:

1. Subdivision Regulations Section 12-5-3.A requires plats include proposed land use restrictions, allowing for City review and approval. See relevant analysis above. The Developer should discuss with the Planning Commission and City Council methods for improving consistency and compatibility with the surrounding context and recent housing addition entitlement precedents.
2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
3. Phases 1 and 2 will evidently share a Homeowners Association. Consider renaming the Reserve Area “F” to avoid confusion with Reserve Area A in the first phase.
4. Per Subdivision Regulations Section 12-5-3.B and the typical block numbering conventions, the block numbering sequence should start at one (1).
5. DoD/RCs Section 1.2.1: Please restrict overhead electric, telephone, and cable service and street light poles by removing the first two (2) sentences.
6. DoD/RCs Section 3.2: Please update Block numbers as per other recommendations herein.
7. DoD/RCs Section 4.2.2: Consistent with other recent housing addition entitlements, please remove provision allowing Architectural Committee waiver of the masonry standard.
8. DoD/RCs Section 4.15: Gives vast authority to the developer. Advisory only.
9. DoD/RCs Section 4.16: Staff would suggest the following addition be considered “Enforcement to restrain violation of, or compel compliance with, these covenants...” as violation of certain covenants can be by non-action.
10. DoD/RCs Section 6.2: “...the Owner therefore shall become a member...” The quoted phrase should be corrected by replacing “therefore” with “thereof,” as was done in the case of River’s Edge with similar DoD/RCs language.
11. DoD/RCs Section 6.2: “...shall constitute acceptance of the Association...” Perhaps should be “...shall constitute acceptance of membership in the Association...”
12. DoD/RCs Section 6.4.3: “...other restrictions or any part thereof...” Use of term “of” in place of “or.”

13. Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
14. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.
15. Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 11" X 17", and 1 electronic copy).

**NEW INFORMATION AS OF NOVEMBER 10, 2015:**

*This application was Continued from the October 19, 2015 to this November 16, 2015 Planning Commission agenda to allow the developer, City, and representative(s) of the adjoining The Ridge at South County neighborhood to meet and discuss (1) minimum development standards for individual home construction and (2) access and traffic safety matters pertaining to the Lakewood Ave. street connection. A meeting was held October 27, 2015 including two (2) representatives of Rausch Coleman, their attorney Blaine Nice, developers Julius Puma and Dean Christopoulos, City Engineer Jared Cottle, Public Works Director Bea Aamodt, [City Attorney Patrick Boulden,] Fire Chief Bryan Wood, City Planner Erik Enyart, and Bob Evans of the The Ridge at South County neighborhood. All City Staff, including Public Safety professionals, confirmed that the Trails development should still have not less than three (3) means of ingress/egress for emergency purposes, as was required with the PUD Major Amendment in 2013, and discussed traffic calming measures for reducing speeds and improving traffic safety. On the minimum standards matter, no resolution was achieved. Additional meeting(s) are being discussed.*

*Staff's recommendation has not changed.*

Erik Enyart noted that this was Continued from the October Regular Meeting due to two (2) issues: access and minimum development standards for individual house construction. Mr. Enyart stated that, at the last meeting, residents of the neighboring The Ridge at South County subdivision expressed concern for safety if Lakewood Ave. were extended with this development, and indicated favor for installing a gate if connected. Mr. Enyart stated paraphrased a statement from the Staff Report, "All City Staff, including Public Safety professionals, confirmed that the Trails development should still have not less than three (3) means of ingress/egress for emergency purposes, as was required with the PUD Major Amendment in 2013," due to the large number of lots served. Mr. Enyart stated that the multiple points of ingress/egress were important for the sake of redundancy, so that if one (1) point of access was blocked, emergency responders could still get in, [and/or in another scenario,] people could still get out. Mr. Enyart stated that this was important also because, the more points of ingress/egress, the better the access and so the faster emergency responders can access [an emergency], "when seconds count." Mr. Enyart stated that, as for the minimum standards for individual house construction, the developer still had yet to propose standards that would be more compatible and more consistent with the houses in the subdivisions to the north and east.

Chair Lance Whisman recognized Applicant Tim Terral of Tulsa Engineering & Planning Associates, Inc., 9820 E. 21<sup>st</sup> St. S., Tulsa, OK 74146 from the Sign-In Sheet. Mr. Terral stated that [he, his clients, and representatives of Rausch Coleman] had met with the City of Bixby on October 27, 2015 to discuss the outstanding issues. Mr. Terral stated that construction of the streets, stormwater, and sanitary sewer had commenced pursuant to approved plans. Mr. Terral stated that the streets could not be gated as they were Public streets. Mr. Terral noted that stop signs could be used for traffic calming. Discussion ensued. Erik Enyart stated that the developer and City should "explore all the options" for traffic calming. Steve Sutton suggested a roundabout. Mr.

Terral indicated disagreement due to the installed infrastructure and loss of lots, and stated that this would not be fair “to put on us.” Thomas Holland confirmed with Mr. Terral that water and sewer had already been installed. Mr. Terral indicated he was not sure if the curbs had been installed. Mr. Terral stated that, at the last meeting, he did not have all of his documents in order and thought that the minimum house size and masonry standards were not included in the Preliminary Plat approved by the City Council, but since then, he researched the documents and found that they had been. Mr. Terral stated that he had emails and documents showing that he and Erik Enyart had discussed the Restrictive Covenants prior to the City Council meeting and indicated that Mr. Enyart had stated that the City Council had approved them. Erik Enyart indicated disagreement, and stated that the Applicant had submitted [the minimum house size and masonry standards in the private Restrictive Covenants] “hours before the City Council meeting,” and that he did not believe the City Councilors read, at the meeting, the updated version [handed out at the meeting], and the Planning Commission never saw them. Mr. Enyart stated that, since the City Council [did not have a chance to read them], he was not willing to say that the City Council approved those Restrictive Covenants specifically. Mr. Terral stated that nothing had been brought up as a “red flag” at the time. Mr. Enyart stated that the Bixby Subdivision Regulations have a provision that requires the submission of “land use restrictions,” which was used to discuss house size and masonry and other development standards, but required them with the Final Plat, not the Preliminary Plat. Mr. Enyart stated that, if they were so important to the Applicant, they should have been submitted sooner, and had they been turned in [with the original application], the outcome at the Planning Commission and/or the City Council could have been different. Mr. Terral stated that the “phase one” Final Plat had been approved and recorded [with the 1,100 square foot house size and 33% masonry standards]. Mr. Terral indicated his clients had proceeded with what they understood were approved Restrictive Covenants. Patrick Boulden indicated the Applicant should meet with the City Council to discuss these matters.

Chair Lance Whisman recognized Stephen Lieux, PE, Director of Engineering / Land Development for Rausch Coleman Development Group, 107 Devonshire, Lowell, AR from the Sign-In Sheet. Mr. Lieux stated that Rausch Coleman had made a business decision to proceed with this development. Jerod Hicks indicated that the first phase may not affect The Reserve at South County [as much as the current phase]. Mr. Hicks and Mr. Lieux discussed being “a good neighbor.” Mr. Hicks stated, “We want you to build here” and be successful, but noted that the City was responsible for the residents that were “already here.” Mr. Lieux asked if [the Commissioners] would “throw out a number.”

Blaine Nice of Fellers, Snider, Blankenship, Bailey & Tippens, P.C. stated that his clients built houses with an average of 1,500 square feet [in this subdivision], and stated that he would like some time to discuss this matter with his client [before new numbers are offered].

It was mentioned that it would be nice if a monument were installed [demarcating the adjoining The Ridge at South County and The Trails at White Hawk / II subdivisions].

The Applicant stated that the houses constructed in this subdivision ranged from about 1,250 square feet to 2,300 square feet.

Chair Lance Whisman called a recess at 8:22 PM.

Chair Lance Whisman called the meeting back to order at 8:36 PM.

The Applicant proposed a “transitional zone,” consistent with The Ridge [at South County] along the “back row” of the The Trails at White Hawk II subdivision, to include 100% masonry to the first floor plate line, and 1,200 square feet minimum house size.

Discussion ensued. A concern was expressed that larger homes [in The Trails at White Hawk] would require second stories, which second stories would allow homeowners to look down into the backyards of houses in The Ridge at South County. Stephen Lieux stated that, as it concerned valuation, houses would not be used [as comparable sales] unless they were within 10% of the square footage [of the appraised house]. Steve Sutton suggested a 1,500 square foot average minimum house standard. The Applicant suggested that the small lots would not allow larger homes. Erik Enyart stated that the PUD provided for smaller setbacks, and that, during the PUD Major Amendment application process in 2013, he had requested a typical lot exhibit showing the house footprint on the typical lot, as there was a concern that the houses would not achieve the minimum livability space, or greenspace on the lot after the house and paved surfaces, standard to be achieved. Mr. Enyart recalled that the exhibit indicated there was the need for some flexibility from this standard due to the reduced setbacks. Tim Terral indicated agreement. Mr. Enyart indicated his point was that the exhibit showed that a roughly 1,700 to 1,800 square foot house could be constructed on the smaller lots. At this time or another in regard to continued discussion about restricting houses to one (1) story, Mr. Enyart stated that most of the houses along the back side of The Ridge at South County were two (2)-story houses.

Chair Lance Whisman recognized Jimmy Corado of 14363 S. Lakewood Ave. from the Sign-In Sheet. Mr. Corado expressed concern for property values and indicated desire for higher masonry standards “because it drives up property values,” and as this would be “more compatible to what we have.” Mr. Corado asked about a gate on Lakewood Ave., and Jerod Hicks and Mr. Whisman noted that these were Public streets. Mr. Corado expressed concern, on behalf of his neighborhood, for crime and traffic calming. Mr. Corado expressed desire for “speed bumps in our neighborhood,” because “stop signs aren’t doing it.” Mr. Corado expressed concern for safety and noted that there were “a lot of kids in the neighborhood, and will be in this one” also.

Chair Lance Whisman recognized John Laughlin of 14362 S. Hudson Ave. from the Sign-In Sheet. Mr. Laughlin asked whether it would be possible for his neighborhood to take their street private, and Patrick Boulden indicated it was possible were they vacated [and other required matters addressed]. Mr. Laughlin stated that he “was lied to” and told that his neighborhood’s “streets would be gated and nothing would be built to the south of us.” Mr. Laughlin stated, “I don’t think the City Council did due diligence” if the [private development standards within the Restrictive Covenants] was submitted two (2) hours before [the City Council meeting], and suggested an “audit” of [the approval timeline].

Chair Lance Whisman recognized Brandon Verderber of 5776 E. 148<sup>th</sup> St. S. from the Sign-In Sheet. Mr. Verderber introduced himself as a resident of The Trails at White Hawk stated that he and his wife would not be Bixby residents if larger homes had been required [in the first phase]. Mr. Verderber stated that he and his wife were ministers and liked Rausch Coleman’s faith-based

company. Mr. Verderber stated that he liked that his neighborhood was safe, and stated that they had moved from Midtown [Tulsa].

Kyle Richison of 13860 S. 89<sup>th</sup> E. Ave. stated that he was the sales manager for Rausch Coleman and stated that the valuation [of nearby houses] would be “hurt more” if the houses constructed here were larger, because appraisers stay within 10% of house size for [comparable sales], so a house built [here] with 2,500 square feet could be used as a “comp” when appraising in The Ridge at South County. Mr. Richison suggested that [the current proposal] could “clear up values in your neighborhood.”

Thomas Holland suggested a 1,400 square foot house minimum standard.

John Laughlin asked why there had to be three (3) points of access. Erik Enyart stated that the City of Bixby had a longstanding precedent, when reviewing housing additions with large numbers of lots, for the City Staff, including public protection professionals, to review access for adequacy in relation to the number of dwellings proposed. Mr. Enyart stated that he believed the core City Staff for this purpose included the Fire Marshal, Police Chief, and City Planner. Mr. Laughlin asked how large a subdivision had to be before the City had required a third access, and Mr. Enyart stated that he believed it was in the range of 250 houses.

Blaine Nice summarized his client’s proposal for development standards in the Restrictive Covenants as follows: Lots 2:27, inclusive, Block 2, and Lot 27, Block 3, to be 100% brick or stone and not less than 1,200 square feet. Mr. Nice stated, “We had the right to do the former [development standards].” Mr. Nice urged approval of this proposal. Mr. Nice stated that the [development standards for the] remainder of the lots would be as in the Preliminary Plat.

There being no further discussion, Jerod Hicks made a MOTION to Recommend APPROVAL subject to the Conditions of Approval as recommended by Staff, and to include what had been agreed to by the Applicant: Lots 2:27, inclusive, Block 2, and Lot 27, Block 3, to be 100% brick or stone and not less than 1,200 square feet, and to recommend Bixby City Staff, including emergency personnel, negotiate traffic calming measures. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

|                |  |
|----------------|--|
| AYE:           | Holland, Whisman, Whiteley, Sutton, and Hicks. |
| NAY:           | None.  |
| ABSTAIN:       | None.  |
| MOTION PASSED: | 5:0:0  |

OLD BUSINESS:

Chair Lance Whisman asked if there was any Old Business to consider. Erik Enyart stated that he had none. No action taken.

NEW BUSINESS:

Chair Lance Whisman asked if there was further New Business to consider. Erik Enyart stated that he had none. No action taken.

ADJOURNMENT:

There being no further business, Chair Lance Whisman declared the meeting Adjourned at 9:15 PM.

APPROVED BY:

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Chair

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Date

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City Planner/Recording Secretary